

Final Environmental Impact Report

for the

MIDTOWN MILPITAS SPECIFIC PLAN

C I T Y O F M I L P I T A S

S C H # 2 0 0 0 0 9 2 0 2 7

LEAD AGENCY:

City of Milpitas
Planning Division
455 E. Calaveras
Milpitas, CA 95035

Contact: Marina Rush
Phone: (408) 586-3272
Fax: (408) 586-3293
Email: mrush@ci.milpitas.ca.gov

PREPARED BY:

EDAW, Inc.
753 Davis Street
San Francisco, CA 94111

In Association with:

Baseline Environmental Consulting, Geology and Hazardous Materials
Fehr & Peers Associates, Inc., Traffic and Circulation
Ruggeri, Jensen, Azar & Associates, Utilities

January 2002

Final Environmental Impact Report

for the

MIDTOWN MILPITAS SPECIFIC PLAN

CITY OF MILPITAS

SCH # 2000092027

January 2002

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CHAPTER I. INTRODUCTION

In October 2001, the City of Milpitas distributed to public agencies and the general public the Draft Environmental Impact Report (Draft EIR) for the Midtown Milpitas Specific Plan. The Specific Plan is a long-range land use and development plan for a 942-acre area in the City of Milpitas. The Specific Plan area encompasses land near the western limits of Milpitas, generally bounded by the Union Pacific Railroad lines on the east and north, Abel Street and the Elmwood Rehabilitation Center on the west; and the City limits to the south. The Midtown area is traversed by two Union Pacific Railroad lines. Main Street is the central north-south roadway in the planning area.

The proposed Midtown Milpitas Specific Plan provides development goals and land use directives for the Midtown area for a 20-year planning horizon. Included in the Midtown Milpitas Specific Plan are the following: proposed land use designation changes; a development strategy; recommended public and private improvements; and urban design recommendations, including new development regulations and guidelines.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, a 45-day public review period for the Draft EIR has been completed, ending November 26, 2001. All comments on the Draft EIR and responses thereto, are presented in this document. Chapter 2 includes corrections to the Draft EIR and Chapter 3 includes all the comments on the Draft EIR, including responses to significant environmental issues raised in the comments, as required in the State CEQA Guidelines Section 15132. All comment letters are labeled alphabetically to correspond with an index table (Table 3-1) in Chapter 3. Each comment is assigned a letter and number (e.g., "A-1") that corresponds to the response following the comment.

In accordance with State CEQA Guidelines Section 15132(d), the City has responded to environmental issues raised during the Draft EIR review and comment period. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by the State CEQA Guidelines Section 15088(b). Accordingly, detailed responses to comments are provided on environmental issues only, and not on comments that may have been raised on the merits of the proposed Specific Plan. Comments on the Specific Plan merits are noted for consideration by the City of Milpitas when it reviews the proposed Specific Plan for approval.

The entire EIR consists of two volumes: The Draft Environmental Impact Report and this document. Together, these two volumes constitute the Final EIR.

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CHAPTER 2. REVISIONS TO THE DRAFT EIR

This chapter presents specific changes to the Draft EIR that are being made in response to comments from the public and/or reviewing agencies. In each case, the revised page and location on the page is set forth, followed by the revision. Text in *bold italics* represents language that has been added to the EIR's text. Words with ~~strikeout~~ indicate text has been deleted from the EIR.

Page 2-6, the last sentence under the "Land Use Plan" subheading is revised as follows:

This future extension would traverse Midtown along the eastern Union Pacific Railroad right-of-way, and provide one station at ~~Capitol and Montague and another in the vicinity of North Main Street~~ *Montague/Capitol, with an optional station at Abel/Calaveras (see Future BART Extension section for more details).*

Page 2-29, Figure 2-15 is revised as shown at the end of this chapter.

Page 3.3-5, the following is added after the first full paragraph:

San Jose / Santa Clara Water Pollution Control Plant

The San Jose / Santa Clara Water Pollution Control Plant (WPCP) is located in north San Jose near the southern tip of the San Francisco Bay. It treats wastewater from the cities of San Jose, Santa Clara, Milpitas, Monte Sereno, Saratoga, Cupertino, Los Gatos, and a number of county sanitation districts.

The facility currently stores chlorine, sulfur dioxide, digester gas, and 29 percent aqueous ammonia - all regulated toxic substances under the US EPA Risk Management Program and the California Accidental Release Prevention Program under the California Code of Regulations Title 19. To address the potential accidental release of these hazardous materials, the City of San Jose has developed a Risk Management Plan (RMP), the executive summary of which is included as Appendix A to the Final EIR.

As shown in the RMP, the Midtown area is within the area affected by the worst case release scenario. Although this hazardous materials release scenario is unlikely to occur, it has been evaluated by the City of San Jose to communicate process risks to the public, to communicate response issues to the City of San Jose emergency response organization, and as a tool in evaluating plant safety systems. The worst-case scenario assumes rupture of a railcar of chlorine or sulfur dioxide, and complete release of the railcar contents in 10 minutes. This scenario would only result from a catastrophic occurrence such as an airplane crash.

Although the WPCP's RMP provides for the evaluation of possible release scenarios, there have been no releases of chlorine, sulfur dioxide, or ammonia in the last five years that have resulted in deaths, injuries, or significant property damage onsite or known offsite effects. In the 27 years that these chemicals have been used onsite, the WPCP has had no accidental release that has required offsite response. The Midtown Specific Plan would not include changes in circulation or land use that would increase impediments to implementation of emergency response plans, including those associated with an

accidental release at the WPCP. Because the Midtown Specific Plan would not have an effect on the implementation of emergency response planning or implementation, this issue is not further discussed in this EIR.

Page 3.4-5, the second paragraph is revised as follows:

Lower Penitencia Creek. *Lower Penitencia Creek drains a portion of San Jose and Milpitas to the confluence of Berryessa Creek at Milmont Drive. After the confluence, Lower Penitencia Creek continues on to Coyote Creek at the Milpitas-Fremont border. Through Milpitas, the Santa Clara Valley Water District has lined Penitencia Creek with concrete and built floodwalls to protect adjacent properties. Penitencia Creek receives floodwater spilled from adjacent drainage basins at Trimble Road, but spilled water is stored behind the railroad near S. Main Street, thereby reducing the discharge. Penitencia Creek overflows to the west from just south of Elmwood Jail north of to the Coyote Creek confluence (Highway 880 contains this spill). The Creek also spills to the east between Calaveras Boulevard and Berryessa Creek. Nuisance flooding and 10-year event ponding to the top of the curb occur along Abel Street north of Calaveras Boulevard Weller Lane. A Priority 3 (optional) solution in the Draft Milpitas Storm Drain Master Plan is to construct 30-inch to 42-inch pipes to take the drainage.*

Page 3.9-13, the following is added after the end of the first paragraph:

The SR 237/I-880 Interchange Stage C Project includes:

- *Stage C-1 consists of direct High Occupancy Vehicle (HOV) connectors which convey HOV traffic from southbound I-880 to westbound SR 237, and eastbound SR 237 to northbound I-880.*
- *Stage C-2 includes the westbound Calaveras Boulevard to southbound I-880 on-ramp which will join the existing loop ramp at I-880 and extend to the south where it will merge with an extension of the eastbound SR 237 to the southbound I-880 connector. The merged on-ramps will cross over the southbound I-880 to Tasman Drive off-ramp by means of a braided structure before merging into southbound I-880.*
- *Construction of these improvements will begin in Early 2002 and is scheduled for completion in 2004.*

Page 3.9-18, the second paragraph is revised as follows:

Currently, Midtown includes an important component of bus transportation in the city with the transit hub located at Main Street and Weller Lane at the northern end of the Midtown area. This facility accommodates 14 VTA bus lines with more than 400 daily bus trips and also provides a transfer point between the Santa Clara County VTA system and the AC (Alameda-Contra Costa) Transit systems. *In addition, one ACE Shuttle Route serves the Weller and Main facility.*

Page 3.9-19, the last section is revised as follows:

ACE and Light Rail Shuttles Service

The VTA provides shuttle service to both the Altamont Commuter Express (ACE) and the light rail stations. Shuttle service (operated by the VTA) for Altamont Commuter Express (ACE) rail is provided between the employment centers in the City of Milpitas and the Great America rail station in the City of Santa Clara. ACE passenger rail service is provided between Stockton and San Jose.

Page 3.9-20, the first paragraph is revised as follows:

Future Transit Center Relocation- Great Mall Transit Center

With the opening of the new Tasman East light rail line, a substantial portion of the bus operations at the existing Main Street/Weller Lane transit center will be relocated to a new transit center at the Great Mall. The purpose of this relocation is to serve the new multi-modal station at the Great Mall, which will also include a park-and-ride lot. Thus, the number of daily bus operations at the northern end of the Midtown area will be substantially reduced; however, bus service will still be provided throughout the Midtown area. However, the transit center at Weller and Main will not be closed. Both transit centers would serve the Midtown area.

Page 3.9-20, the second paragraph is revised as follows:

Future BART Expansion Extension

BART is planned to be extended to the Midtown area in the future. On November 7, 2000, Santa Clara County voters approved a 30-year extension of a ½-cent sales tax to fund transit projects and improvements. A key element of this measure (Measure A), which was sponsored by the VTA, is funding for the extension of BART from its current terminus in Fremont through Milpitas to downtown San Jose and ultimately the City of Santa Clara Caltrain station. The alignment through Milpitas is the existing Union Pacific Rail line and is expected to include two stations: one in the vicinity of Abel Street or Calaveras Boulevard, and one adjacent to the Great Mall Parkway/Montague Expressway intersection. This latter station will provide a direct link to the VTA light rail line that is planned to be extended along Great Mall Parkway from its current terminus at Baypoint in North San Jose. In addition to the sales tax funding, the State of California has pledged over \$760 million dollars towards the project. Some additional funding from the federal government will be required. The next step in the process is the preparation of a major investment study in the Fremont-to-San Jose corridor to evaluate project alternatives. VTA just completed a Major Investment Study that evaluated transportation alternatives in the Fremont-to-San Jose corridor. On November 9, 2001, the VTA Board of Directors unanimously selected a BART extension from Fremont to Milpitas, San Jose, and Santa Clara as the Preferred Investment Strategy for the corridor. Following the MIS phase, VTA, in conjunction with the various cities along the corridor will be evaluating various station locations, alignment profiles, and other design considerations. This work effort will be conducted as part of the environmental compliance process for the proposed BART extension.

Page 3.9-48, Figure 3.9-6, "Transit Network" is added to the EIR as shown at the end of this chapter.

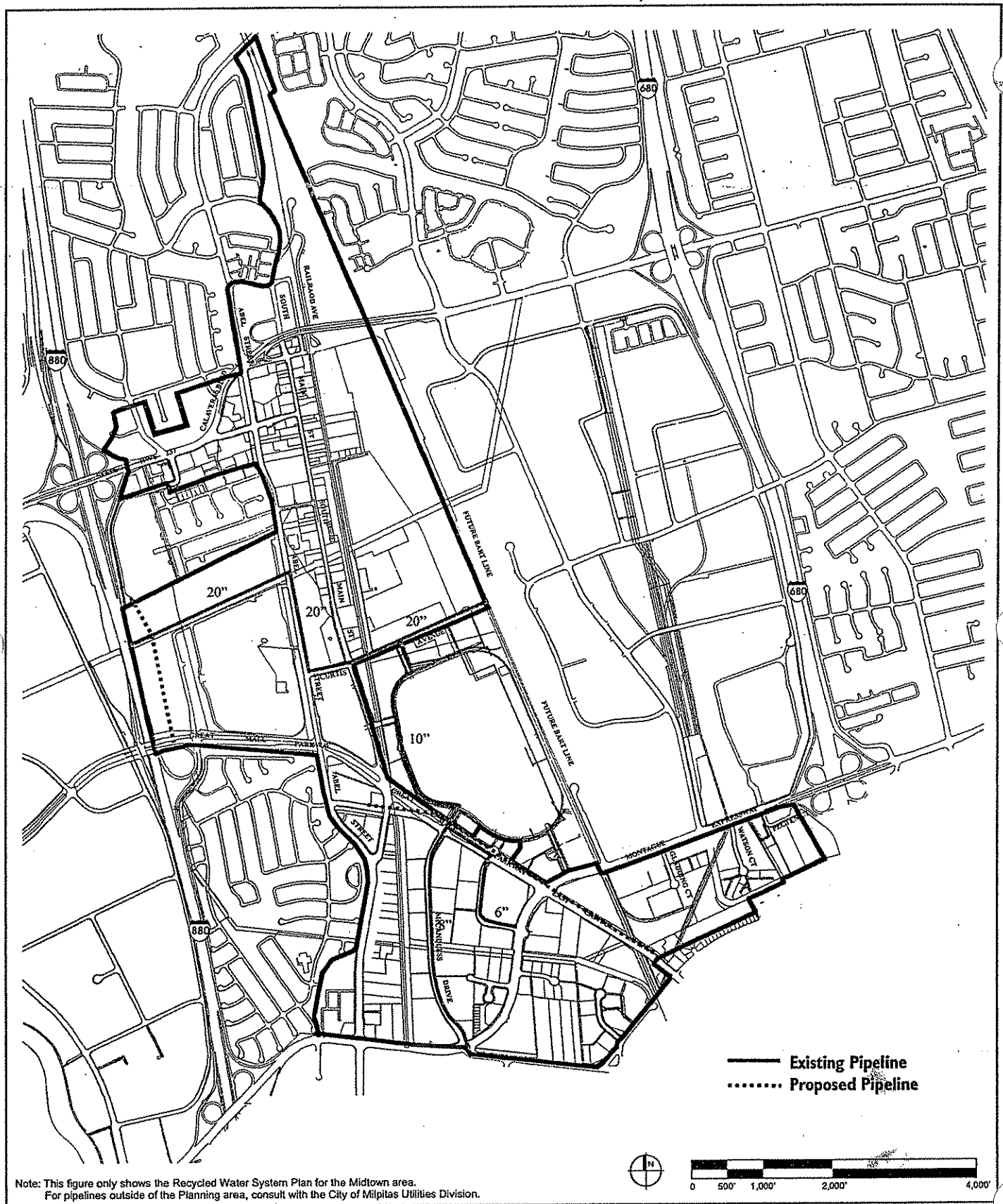


figure 2-15 Recycled Water System Plan

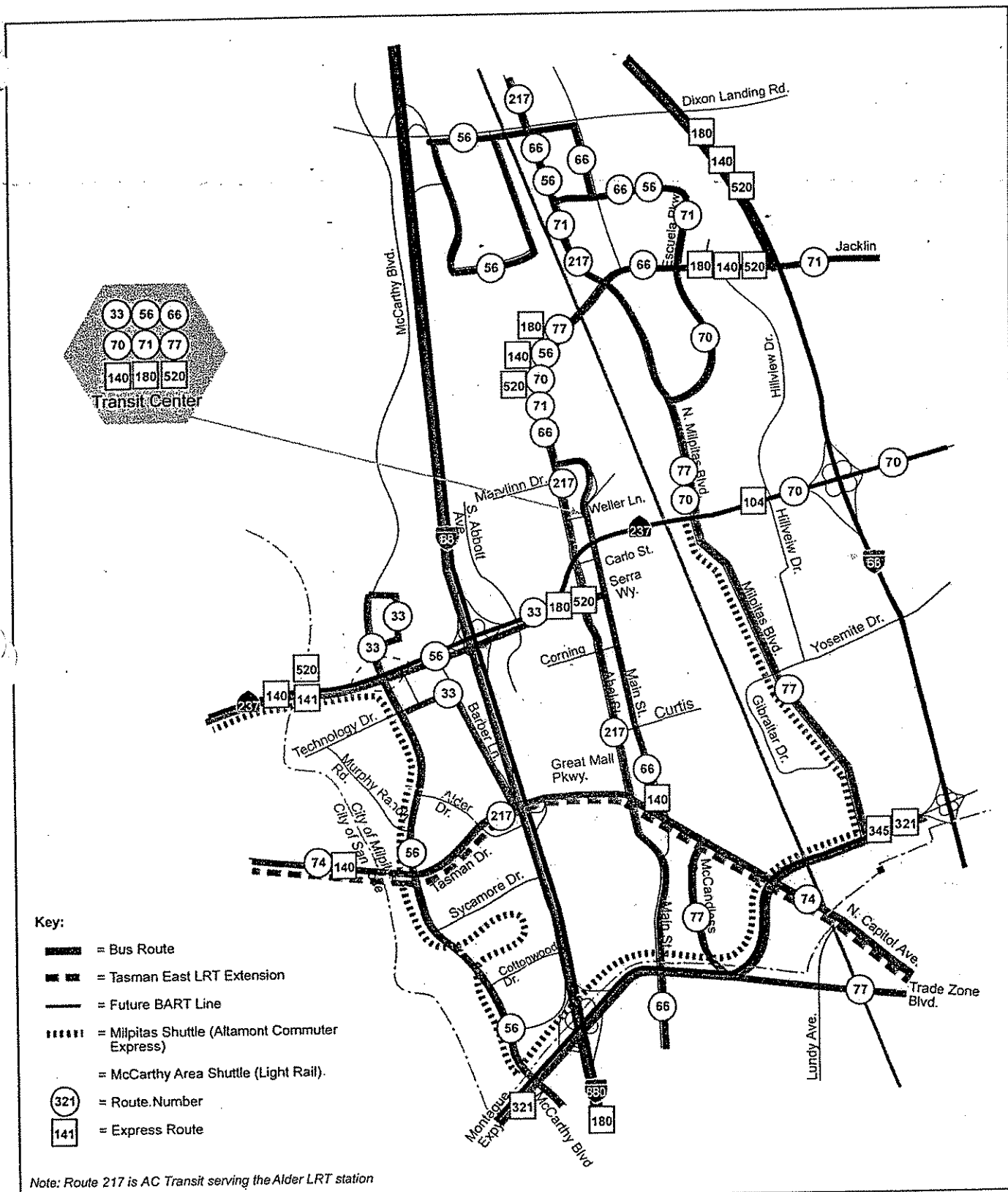


Figure 3.9-6 Transit Network

CHAPTER 3. COMMENTS AND RESPONSES

All comments on the Draft EIR are listed in Table 3-1. Each letter and comment has a letter/number designation assigned for cross-referencing purposes. This list represents all written comments received during the comment period and oral comments received at the public meeting, which was held on December 15, 2001. The verbatim comment letters, and responses to environmental comments raised in those letters are presented.

Table 3-1
Comments Received on the Draft EIR

Letter / Comments	Commentor and Agency or Organization	Date
A	Pacific Gas and Electric Company, Len Grilli	October 17, 2001
B	Department of California Highway Patrol, Tom Noble	November 2, 2001
C	Metropolitan Transportation Commission, Susan P. Williams	November 8, 2001
D	California Environmental Protection Agency, Department of Toxic Substances Control, Barbara J. Cook	November 9, 2001
E	State of California Resources Agency, Department of Fish and Game, Robert W. Floerke	November 14, 2001
F	City of San Jose, Department of Planning, Building and Code Enforcement, Janis Moore	November 19, 2001
G	County of Santa Clara, Roads and Airports Department, Sean Quach	November 19, 2001
H	San Francisco Public Utilities Commission, Joanne Wilson	November 19, 2001
I	ICRES Architects & Builders, Edward C. Love	November 20, 2001
J	Santa Clara Valley Transportation Authority, James E. Pierson	November 21, 2001
K	Santa Clara Valley Water District, Luis C. Jaimes	November 21, 2001
L	State of California, Department of Transportation, Jean C. R. Finney	November 21, 2001
M	State of California, Governor's Office of Planning and Research, State Clearinghouse, Terry Roberts	November 26, 2001
N	Oral Comments Received at Public Meeting	November 15, 2001

LETTER
A

Pacific Gas and Electric Company
San Jose Division

111 Almaden Blvd., Room 814
San Jose, CA 95115
408-282-7138

RECEIVED

October 17, 2001

OCT 18 2001

CITY OF MILPITAS
PLANNING DIVISION



City of Milpitas
Planning Division
455 East Calaveras Boulevard
Milpitas, CA 95035

Attn: Marina Rush

Re: Midtown Specific Plan. EIR public review

Dear Ms. Rush:

Thank you for the opportunity to review the EIR for the referenced plan.

PG&E owns and operates gas and electric facilities which are located within and adjacent to the proposed project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

Developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation's require long lead times and are not always feasible, developers should be encouraged to consult with PG&E as early in their planning stages as possible.

Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) could also require formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete. Proponents with development plans which could affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.

A-1

A-2

We would also like to note that continued development consistent with your Plans will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect to new loads. Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

A-3

We would like to recommend that environmental documents for proposed development projects include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve those developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

We also encourage the City of Milpitas to include information about the issue of electric and magnetic fields (EMF). It is PG&E's policy to share information and educate people about the issue of EMF.

"Electric and Magnetic Fields (EMF) exist wherever there is electricity—in appliances, homes, schools and offices, and in power lines. There is no scientific consensus on the actual health effects of EMF exposure, but it is an issue of public concern. If you have questions about EMF, please call your local PG&E office. A package of information which includes materials from the California Department of Health Services and other groups will be sent to you upon your request".

A-4

PG&E remains committed to working with the City of Milpitas to provide timely, reliable and cost effective gas and electric service to the planned area. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

A-5

The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

A-5

Should you require any additional information or have any questions please call me at (408) 282-7389.

Sincerely,

Len

Len Grilli
Land Agent

cc. J. Gill

**Letter
A**

**Pacific Gas and Electric Company, Len Grilli
October 17, 2001**

A-1 The commentor provides an introduction and notes that PG&E owns and operates gas and electric facilities within the planning area. The commentor further notes that the CPUC mandates specific clearance requirements between utility facilities and surrounding objects. PG&E requests early consultation with PG&E when specific projects are proposed for development. This comment is noted. The Specific Plan provides a long-range planning vision for the Midtown area. A specific development project is not proposed at this time. When proposed, project proponents are encouraged to engage in early consultation with PG&E.

A-2 The commentor notes that relocations of PG&E's electric transmission and substation facilities could require formal approval from the CPUC. This comment is noted. The City of Milpitas proposes no relocation of electric transmission or substation facilities at this time.

A-3 The commentor notes that development in the Midtown area could create a cumulative impact on PG&E's gas and electric systems and may require improvements to PG&E facilities.

PG&E would review and analyze electricity distribution needs when specific development projects are proposed in the Midtown planning area. The range of electric system distribution improvements that could be required to accommodate growth may include new distribution feeders, upgrading existing substation line equipment, expanding existing substations, and interconnecting transmission lines. PG&E is responsible for the analysis and provision of electrical distribution to proposed development on a project-by-project basis.

The Draft EIR considers the potential environmental impacts associated with development in the Midtown area. To the extent that facility upgrades would be required in the Midtown area, and would be limited to existing parcels where development is already anticipated, the environmental impacts of these future improvements have been addressed in the Draft EIR. PG&E has not identified any specific improvements that would be required outside of the Midtown area. Because an exact upgrade has not been identified and the City of Milpitas is not responsible for such upgrades, analyzing the potential environmental effects of such an upgrade would be speculative at this juncture. PG&E will continue to be responsible for the implementation of facility upgrades and the analysis of the potential environmental effects associated with any upgrade.

A-4 The commentor encourages the City of Milpitas to include information about the issue of electric and magnetic fields (EMF). This information is included on page 3.3-4 of the Draft EIR.

A-5

The commentor notes that PG&E is committed to working with the City of Milpitas to provide gas and electric service in the planning area under the purview of the CPUC regulations. This comment is noted.

LETTER
B

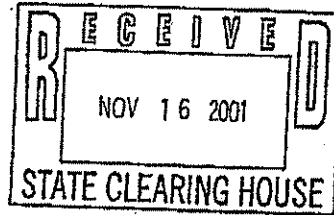
Memorandum



Date: November 2, 2001

Clear
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e

To: State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814



From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Golden Gate Division

File No.: 301.A7392

Subject: MILPITAS MIDTOWN SPECIFIC PLAN - SCH # 2000092027

The California Highway Patrol (CHP) received the Notice of Preparation for the Milpitas Midtown Specific Plan for the City of Milpitas, draft Environmental Impact Report. The attached memorandum contains comments to the document. The comments were prepared by the San Jose Area CHP office which maintains traffic safety and enforcement jurisdiction near the proposed project.

Should you have any questions or comments, please contact Captain Jerry Tidwell, Commander of the San Jose Area office at (408) 467-5400.

TOM NOBLE, Assistant Chief
Acting Division Commander

Attachment

cc: Office of Special Projects
San Jose Area

B-1

M e m o r a n d u m



Date: October 29, 2001

To: Golden Gate Division

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
San Jose

File No.: 12554

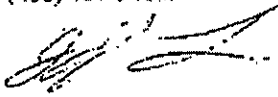
Subject: EIR REPORT. #2000092027

This memorandum is in response the review of Environmental Impact Report (SCH#20000092027) Titled: Milpitas Midtown Specific Plan. Of special interest is the projected impact to the traffic in and around the area. The projected impact would be to CHP operations and response times.

When completed, 2005, there will be a significant increase to traffic in and around the City of Milpitas. This will directly impact the freeways (I-880, I-680 and SR-237) and Monrague Expressway (CHP responsibility by contract). As described in the report existing intersection, roadway and freeway traffic "Levels of Service (LOS)" are currently below acceptable levels. Completion of this project will further reduce the LOS. At the center of this is the increased volume of vehicles expected with the increased size of the residential and commercial areas within the city. As written an additional 2,379 housing units would be constructed.

The problem foreseen has to do with current staffing levels in the San Jose Area and to a smaller degree, the Hayward Area. The City of Milpitas is on the northern edge of Santa Clara County (northern border of the San Jose Area with Hayward). An increase of traffic volumes on existing roadways will greatly increase the calls for assistance. Additional resources would be needed to counter the increase of calls.

Any further questions can be directed to Sergeant Sean Unsinger or Lieutenant Scott Howland, at (408) 467-5400.


J.C. TIDWELL, Captain
Commander

Letter
B

Department of California Highway Patrol, Tom Noble
November 2, 2001

- B-1** The commentor notes that the California Highway Patrol (CHP) received the Draft EIR for the Midtown Specific Plan, and introduces the following memorandum provided by the San Jose Area CHP office.
- B-2** The commentor notes that an increase in traffic could result in an increase in calls for assistance from the CHP and that additional staff and resources would be needed to counter the increase in calls. It is acknowledged that new development in the Midtown area could result in increased demand for police and Highway Patrol services. This would be true of any population growth in the region or State.

An increase in the need for community services alone does not constitute an environmental impact. However, if service demand generated by a project is high enough to result in a need for a new facility, the potential environmental effects related to the construction of that facility would need to be evaluated in the EIR.

The growth anticipated in the Midtown area would not directly create a need for the development of new Highway Patrol facilities. Cumulative growth in the region, including the growth in Milpitas, may result in the need to expand CHP facilities. However, the location and nature of potential expansions or new facilities to address population growth in the region are not known at this time. Thus, the consideration of potential environmental effects associated with potential future facilities or expansions would be speculative. When any new facility is proposed, the CHP would be required to evaluate the potential environmental impacts of development of that facility in accordance with the California Environmental Quality Act.

LETTER
C



METROPOLITAN
TRANSPORTATION
COMMISSION

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700
Tel.: 510.464.7700
TTY/TDD: 510.464.7769
Fax: 510.464.7848
e-mail: info@mtc.ca.gov
Web site: www.mtc.ca.gov

November 8, 2001

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CITY OF MILPITAS
PLANNING DIVISION

Sharon J. Brown, Chair
Cities of Contra Costa County

Steve Kinsey, Vice Chair
Marin County and Cities

Tom Amundson
City and County of San Francisco

Ralph J. Appenzano
Cities of Alameda County

Kath Axtell
U.S. Department of Housing
and Urban Development

James T. Beall, Jr.
Santa Clara County

Mark DeSaunier
Contra Costa County

Bill Dodd
Napa County and Cities

M. Glaspinski
Transportation

Scott Haggerty
Alameda County

Barbara Kaufman
San Francisco Bay Conservation
and Development Commission

Sue Lempert
Cities of San Mateo County

John McLemore
Cities of Santa Clara County

Michael D. Nevin
San Mateo County

Jen Rubin
San Francisco Mayor's Appointee

James P. Spiering
Solano County and Cities

Pamela Turfitt
Association of Bay Area Governments

Sharon Wright
Sonoma County and Cities

Harry Yahata
State Business, Transportation
and Housing Agency

Steve Heminger
Executive Director

Ann Flennec
Deputy Director/Operations

Theresa W. McMillan
Deputy Director/Policy

Marina Rush
Planning, Recreation & Neighborhood Services Division
455 East Calaveras Blvd.
Milpitas, CA 95035

Re: Draft EIR, Midtown Specific Plan

Dear Ms. Rush:

This letter sets forth the Metropolitan Transportation Commission's (MTC) staff comments and recommendations on the transportation system impact analysis that was included in the Draft EIR for the Midtown Specific Plan. MTC is the transportation planning and financing agency for the nine-county San Francisco Bay Area. We are interested in the transportation impacts of this project on the region's transportation network.

The Specific Plan Area covers approximately 942 acres near the western limits of Milpitas, bounded by the Union Pacific Railroad lines on the east and north, Abel Street and the Elmwood Rehabilitation Center on the west and the city limits on the south. The plan provides development goals and land use directives for a 20-year planning horizon. The plan's development program includes residential, retail, office, general commercial and open space uses. It will add land use categories that are not now in the General Plan, including Multifamily Very High Density and Transit Oriented Development Overlay Zone. The land use plan assumes completion of the 4.8 mile Tasman East/Capitol Light Rail Extension which will link Milpitas to Downtown San Jose and Mountain View via the Tasman East and Guadalupe light rail transit lines.

1. **Consistency with the Regional Transportation Plan (RTP).** In the Final EIR, please reference MTC's RTP, a blueprint to guide the region's transportation development for a 20-year period. Required by state and federal law, it is based on projections of growth and travel demand coupled with financial projections.

Please indicate which of the future highway improvements that are assumed to be built in the DEIR traffic analysis are in the Draft 2001 RTP. Highway projects that are not in the RTP should not be included in the modeling or traffic analysis of the transportation network, unless it can be

C-1

C-2

C-3

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shown that they can be fully funded from other sources than those assumed in the RTP. Inclusion of projects not in the RTP would provide an unrealistic analysis of traffic impacts.

C-3

2. **Freeway System Impacts.** The DEIR states that the project under cumulative conditions would significantly exacerbate operations on 3 freeway segments and 7 arterial segments during the peak hours that are projected to operate at unacceptable levels under the current General Plan. No mitigation measures are considered feasible for some of these segments. We recommend that the Final EIR discuss non-freeway expanding improvements to reduce peak period travel demand on freeways as well as local streets. These improvements could include Transportation Demand Management (TDM) programs, such as ridesharing programs, parking cash-out programs, guaranteed ride home, Eco Pass Program, telecommuting, staggered work hours, and transit service improvements.

C-4

3. **Transit Service Impacts.** The DEIR provides detailed information about the existing transit system, but does not discuss service improvements that will be needed to accommodate the Specific Plan area. Please provide a transit network map showing the project area and the transit routes that serve it. Which route(s) would need increased service? We recommend coordination with VTA on the strategic location of bus stops and the potential expansion of bus service in the area and development of site planning and design features that support walking, bicycling and transit use.

C-5

4. **Pedestrian, Bicycle Access.** This project offers excellent opportunities for site planning elements that facilitate bicycle and pedestrian linkages between the land uses and the BART Station, as well as between the Specific Plan's residential and commercial zones. We support elements such as pedestrian walkways, pedestrian-oriented plazas, orientation of main entrances and reductions of building setbacks to minimize walking distances and provision of walkways and bike paths to transit stops to create a more walkable and pedestrian-friendly environment.

C-6

5. **Mitigation Measures.** Please include a mitigation monitoring and reporting program section that identifies the responsible agency, actions required, action schedule, mitigation costs and fund source(s) available to implement the mitigation measure.

C-7

Thank you for the opportunity to comment on the Draft EIR. We look forward to receiving the FEIR with responses to our comments. If you have questions, please call me at 510.464.7738.

Sincerely,



Susan P. Williams
Environmental Review

cc: MTC Commission Chair, Sharon Brown;
Commissioners J. Beall and J. McLemore; ABAG Clearinghouse

Letter
C

Metropolitan Transportation Commission, Susan P. Williams
November 8, 2001

- C-1** The commentor introduces the letter and provides a summary of the Midtown Specific Plan. No response is needed.
- C-2** The commentor requests reference to MTC's Regional Transportation Plan in the Final EIR. The commentor's reference is hereby incorporated into the EIR.
- C-3** The commentor requests that it be indicated which of the future highway improvements assumed to be built in the Draft EIR traffic analysis are in the Draft 2001 RTP.

Roadway improvements assumed under Baseline Conditions are presented on pages 3.9-12 through 3.9-14 of the Draft EIR. These improvements include the I-880/SR 237 Interchange Upgrade, the Dixon Landing Road/I-880 Interchange Upgrade, and the widening of Montague Expressway between I-680 and Great Mall Parkway. Although some of these improvements may reduce the amount of regional traffic on City streets, no reductions were made to account for improved freeway or expressway facilities. This provides a more conservative analysis of local street and intersection operations under Baseline Plus Project Conditions.

Freeway improvements assumed in the long-term (2015) link-level analysis are described on pages 3.9-38 and 3.9-39 of the Draft EIR. These include those projects listed under Baseline Conditions plus 1) the widening of I-880 from U.S. Highway 101 to the Alameda County line, and 2) the extension of Fremont Boulevard from Lakeview Drive in Fremont to Dixon Landing Road in Milpitas. The 2015 analysis was completed using the City of Milpitas travel demand model, which is a subset of the regional model maintained by the Valley Transportation Authority (VTA), the congestion management agency for Santa Clara County.

- C-4** The commentor summarizes the findings of the Draft EIR related to freeway system and requests that the Final EIR discuss non-freeway expanding improvements to reduce peak period travel demand on freeways as well as local streets. The commentor provides some examples of Transportation Demand Management (TDM) measures.

Given the proximity of project land uses to the VTA Light Rail service on Great Mall Parkway, as well as the future BART extension from Warm Springs in Fremont to San Jose, the use of alternative modes is expected to be an integral part of the transportation system for the Midtown Specific Plan. The proposed project infrastructure has been designed to enhance pedestrian and bicycle facilities, and the mix of land uses was designed to encourage the use of alternative modes within the plan area. All developments within the Midtown area will be required to implement TDM measures, as reflected in Policy 4.23 of the Draft Midtown Specific Plan. Although the specific TDM measures to be required of individual development projects will be determined in the future, measures will include the

provision of Eco-Passes, ridesharing, carpool parking, shuttles to transit stations, alternative work schedules, etc., which will all help to contribute to a reduction in single vehicle occupant trips on the freeway and local street network.

- C-5** The commentor states that the Draft EIR provides detailed information about the existing transit system, but does not discuss the service improvements that will be required to accommodate the Specific Plan. In addition, the commentor requests a transit network map.

A transit network map is provided in Chapter 2 of this Final EIR. The City of Milpitas will work closely with the VTA to coordinate the location of transit stops within the Midtown area and which routes will require increased service as part of Plan implementation. The City has worked successfully with the VTA on the Tasman East light rail extension in terms of identifying suitable locations for park-and-ride lots and station locations. Once the line is in operation and the existing transit center at Main and Weller is relocated to the Great Mall, the City will work with the VTA to determine which routes will require increased or modified service. The proposed project includes guidelines for site planning and design features that support walking, bicycling and transit use.

- C-6** The commentor notes that the project offers excellent opportunities for site planning elements that facilitate bicycle and pedestrian linkages to transit. This comment is noted. The Plan encourages these elements through its design recommendations and regulations. The City of Milpitas will encourage these elements in individual development projects.

- C-7** The commentor requests that mitigation monitoring and reporting program be included in the EIR. The mitigation monitoring and reporting program (MMRP) will be provided to the City of Milpitas Planning Commission and the City Council when the project is considered for adoption. It is not required by CEQA that the mitigation monitoring and reporting program be incorporated into the EIR, only that the MMRP be developed when findings are adopted.

LETTER
D



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Department of Toxic Substances Control

Edwin F. Lowry, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721



Gray Davis
Governor

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CITY OF MILPITAS
PLANNING DIVISION

November 9, 2001

Ms. Marina Rush
City of Milpitas, Planning Division
445 E. Calaveras
Milpitas, CA 95035

Dear Ms. Rush:

Thank you for the opportunity to comment on the Midtown Milpitas Specific Plan [SCH#2000092027]. This project would develop goals and land use directives for the Midtown area of the City of Milpitas for a 20-year planning period. The City of Milpitas is located in the southern area of the San Francisco Bay between the City of San Jose and the City of Fremont. The planning area is approximately 942 acres near the west side of the City and is bounded by the Union Pacific Railroad on the east and north, Abel Street and Elmwood rehabilitation Center on the west and the City limits to the south.

As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Resource Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substances release.

The EIR has identified many properties within the project area that has soil and/or groundwater contamination. We recommend that additional investigation or sampling be conducted at these properties prior to site redevelopment. Based on historical use of the project area, sampling should also be conducted at properties that have not been investigated. The results of these investigations may warrant remediation based on the proposed specific land use of each property. We strongly recommend that sampling be conducted to determine whether this is an issue which will need to be addressed in the CEQA compliance document. If hazardous substances have been released, they will need to be addressed as part of this project.

For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts

D-1

D-2

Ms. Marina Rush
November 9, 2001
Page 2

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CITY OF MILPITAS
PLANNING DIVISION

associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site

D-2

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

D-3

DTSC is currently administering the \$85 million Urban Cleanup Loan Program, which will provide low-interest loans to investigate and cleanup hazardous materials at properties where redevelopment is likely to have a beneficial impact to a community. The program is composed of two main components: low interest loans of up to \$100,000 to conduct preliminary endangerment assessments of underutilized properties; and loans of up to \$2.5 million for the cleanup or removal of hazardous materials also at underutilized urban properties. These loans are available to developers, businesses, schools, and local governments. A fact sheet regarding this program is attached for your information.

D-4

If you have any questions or would like to schedule a meeting, please contact Sarah Stenehjem of my staff at (510)540-3828. Thank you in advance for your cooperation in this matter.

Sincerely,



Barbara J. Cook, P.E., Chief
Northern California - Coastal Cleanup
Operations Branch

Enclosures

cc: See next page

Ms. Marina Rush
November 9, 2001
Page 3

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**CITY OF MILPITAS
PLANNING DIVISION**

cc: Governor's Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, CA 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

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**Letter
D**

**California Environmental Protection Agency, Department of Toxic Substances
Control, Barbara J. Cook
November 9, 2001**

- D-1** The commentor introduces the letter and the Midtown Milpitas Specific Plan and provides background information on the California Department of Toxic Substances Control (DTSC). These comments are noted.
- D-2** The commentor recommends that additional investigation or sampling be conducted at properties in the planning area that have been identified as having potential contamination, prior to redevelopment. This recommendation is consistent with Mitigation Measure HazMat-1, which is provided in the Draft EIR. As noted by the commentor, if hazardous materials have been released at any property proposed for development in the planning area, those substances will need to be addressed as part of the development project.
- D-3** The commentor notes that the DTSC can assist the City of Milpitas in overseeing characterization and cleanup activities at individual sites through the Voluntary Cleanup Program. These comments are noted.
- D-4** The commentor notes that DTSC is currently administering the \$85 million Urban Cleanup Loan Program and provides additional information on the program. These comments are noted.

LETTER
E



State of California - The Resources Agency

DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

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November 14, 2001

GRAY DAVIS, Governor



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CITY OF MILPITAS
PLANNING DIVISION

Ms. Marina Rush, Planning Director
City of Milpitas
455 East Calaveras
Milpitas, CA 95035

Dear Ms. Rush:

Draft Environmental Impact Report
Midtown Milpitas Specific Plan
SCH# 2000092027

Department of Fish and Game personnel have reviewed the Draft Environmental Impact Report (DEIR) for the Midtown Milpitas Specific Plan, and we have the following comments.

The DEIR notes that impacts to burrowing owls, a State-listed species of special concern, could occur as a result of development in the plan area. While providing adequate mitigation for direct impacts to individuals and nests, there is no discussion of impacts related to the loss of potential habitat.

In recent years, the available habitat for burrowing owls has declined precipitously as a result of increased construction. Because of this, burrowing owls are increasingly using marginal sites simply because there is nothing else left. The burrowing owl survey protocols referenced in the DEIR are designed to take this into account, and the first step is to determine if potential habitat is present on a particular project site. If potential habitat is present, mitigation for any loss is warranted, especially given the growing value of each of these patches to burrowing owls. While mitigation for the loss of existing burrows and birds avoids a direct impact, failure to protect potential habitat or mitigate for its loss should also be considered an impact and discussed in the DEIR.

In a like manner, the document contains adequate measures to avoid direct impacts to nesting raptors, but includes no discussion of loss of nesting habitat. Removal of inactive nest sites or removal of nests after the young have fledged will avoid direct take, but the nest site is still gone and no longer useable. This is also an impact and should be discussed and mitigated.

E-1

E-2

Conserving California's Wildlife Since 1870

Ms. Marina Rush
November 14, 2001
Page 2

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PLANNING DIVISION

The DEIR should discuss the possible presence of California red-legged frog, California tiger salamander, and Pacific pond turtles in the plan area. Of these, the first two have been identified within one or two miles of the plan area.

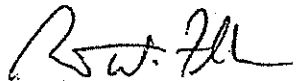
E-3

The DEIR identifies three waterways that could represent potential jurisdictional waters of the United States, Penitencia Creek, Berryessa Creek, and Lower Wrigley Ford. Actions in these areas are potentially under the jurisdiction of Section 1600 of the Fish and Game Code, and Stream Alteration Agreements would be required prior to work in those areas. The DEIR should identify potential impacts to watercourses and include measures to mitigate those impacts.

E-4

Thank you for the opportunity to review the DEIR. Questions regarding this letter and further coordination on these issues should be directed to Dave Johnston, Environmental Scientist, at (831) 459-0939; or Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

Sincerely,



Robert W. Floerke
Regional Manager
Central Coast Region

cc: Office of Planning and Research
State Clearinghouse
Post Office Box 3044
Sacramento, CA 95812-3044

Ms. Kelly R. Crowley
Santa Clara Valley Audubon Society
22221 McClellan Road
Cupertino, CA 95014

Letter
E

State of California Resources Agency, Department of Fish and Game, Robert W. Floerke
November 14, 2001

- E-1** The commentor states that the Draft EIR provides adequate mitigation for direct impacts to burrowing owls and nests but does not address impacts related to the loss of potential habitat. The commentor states that available habitat for burrowing owls has declined precipitously, resulting in an increased use of marginal habitat. The commentor states that according to CDFG protocol referenced in the Draft EIR, mitigation for any loss of potential burrowing owl habitat is warranted and recommends that failure to protect potential habitat or mitigate for its loss be considered an impact and addressed in the Draft EIR.

The Draft EIR is a program-level document that establishes procedures necessary to ensure compliance with CEQA for all subsequent projects in the Plan area. All vacant areas that could provide suitable habitat for burrowing owls would require further evaluation on a project-level basis before they could be developed. Currently, these areas provide very low quality habitat and are unlikely to be utilized by burrowing owls. They are primarily small dirt lots, with little vegetation and no suitable burrows, surrounded by urban development. Though some possibility exists for burrowing owls to utilize the sites in the future, it is very unlikely they would do so, due to the low quality of the habitat. Loss of these vacant areas would not have a substantial effect on burrowing owls, or potential habitat for burrowing owls, and does not represent a significant impact. Therefore, no mitigation for this impact is required.

- E-2** The commentor states that the Draft EIR provides adequate measures to avoid direct impacts to nesting raptors but does not address loss of nesting habitat. The commentor states loss of nest sites is also an impact and recommends it be addressed and mitigated for in the Draft EIR.

The O'Toole elms, located between Main Street and Abel Street, provide a small number of potential nest sites for common raptor species. However, these trees are surrounded by urban development and provide low quality habitat. Loss of these trees would not have a substantial effect on raptors, and does not represent a significant impact. Therefore, no mitigation for this impact is required. It should be noted that implementation of the Specific Plan would result in the additional of trees and landscaping through streetscape improvements and the development of individual properties. Although the extent of these improvements is not known at this time, additional trees could provide additional habitat for nesting raptors.

- E-3** The commentor states that California red-legged frog and California tiger salamander have been identified within one or two miles of the Plan area and recommends that the Draft EIR discuss the potential presence of these species and "Pacific" pond turtle in the Plan area.

On page 3.7-4, the Draft EIR refers to special-status wildlife species that have been documented in the California Natural Diversity Database (CNDDDB) but occur in habitats that are not present in the Plan area. The database includes recent records of tiger salamanders from a number of locations in Fremont and near the Calaveras Reservoir. However, California tiger salamanders require vernal pools or other suitable seasonal wetlands for breeding and suitable upland refuge sites, which are not present in the Plan area. Therefore, this species is not expected to occur in the Plan area, and implementation of the Specific Plan would not result in a significant impact to California tiger salamander.

A discussion of the potential for California red-legged frog to occur in the Plan area is provided on page 3.7-4. Although some segments of Berryessa Creek and Lower Wrigley Ford may provide marginally suitable aquatic habitat, they are entirely surrounded by urban areas that do not provide suitable upland habitat. In addition, California red-legged frogs are not known to occur in either of these watersheds, and the Plan area is not within a designated Critical Habitat Unit. This species is not expected to occur in the Plan area, and implementation of the Specific Plan would not result in significant impacts to California red-legged frog or its habitat.

No records of western pond turtle (*Clemmys marmorata*) from the vicinity of the project area are documented in the CNDDDB. Pond turtles require still water or slow moving streams with bank snags or in-stream emergent woody debris for basking sites. Females migrate from aquatic breeding sites to upland nesting areas. Some segments of Berryessa Creek and Lower Wrigley Ford may provide marginally suitable aquatic habitat, but these creeks are entirely surrounded by urban areas that do not provide suitable upland habitat. Due to the lack of known occurrences, marginal quality of aquatic habitat, and lack of upland habitat, this species is not expected to occur in the Plan area, and implementation of the Specific Plan would not result in a significant impact to western pond turtle.

- E-4** The commentor states that the Draft EIR identifies three waterways that could represent jurisdictional waters of the U.S. The commentor states that actions in these areas are potentially under jurisdiction of Section 1600 of the Fish and Game Code, and Streambed Alteration Agreements would be required prior to work in these areas. The commentor recommends that the Draft EIR identify potential impacts to watercourses and include measures to mitigate those impacts.

If implementation of a project within the Plan area would result in impacts to waters under jurisdiction of Section 1600, a Streambed Alteration Agreement would be required prior to implementation of the proposed project. Potential impacts to jurisdictional waters from development of the Elmwood site and implementation of the proposed trail plan are identified on page 3.7-8 of the Draft EIR. Mitigation for these potential impacts is also presented, including replacement or rehabilitation of lost acreage on a no-net-loss basis and implementation of erosion and runoff minimization measures. Because the Draft EIR is a program-level document, potential impacts would need to be addressed in more detail on a project basis, and specific mitigation plans would be developed, as necessary.

LETTER
F



Department of Planning, Building and Code Enforcement

JOSEPH HORWEDEL, ACTING DIRECTOR

November 19, 2001

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CITY OF MILPITAS
PLANNING DIVISION

Ms. Marina Rush, Associate Planner
City of Milpitas
Planning, Recreation & Neighborhood Services Division
455 East Calaveras Boulevard
Milpitas, CA 95035

**SUBJECT DRAFT ENVIRONMENTAL IMPACT REPORT FOR MIDTOWN
MILPITAS SPECIFIC PLAN PROJECT (OA01-10-022)**

Dear Ms. Rush:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the Midtown Milpitas Specific Plan project located on approximately 942 acres in the City of Milpitas. We have reviewed the Draft EIR and would offer the following comments:

- Some discussion of the project area's close proximity to the San Jose/Santa Clara Water Pollution Control Plant should be included in the EIR Hazardous Materials section. A portion of the project area falls within the Plant's emergency planning zone, based on a computer model worst case scenario of hazardous material used at the Plant. Discussion of the model results, and other issues related to safety and chemical releases at the Water Pollution Control Plant can be found in the Plant's Risk Management Plan (RMP). Plant staff can also address questions about possible releases and the RMP at 408-945-5300.
- The Public Services section of the Draft EIR does not address the issue of solid waste disposal. The Draft EIR should be revised accordingly.

F-1

F-2

We look forward to reviewing all comments and responses to comments on this Draft EIR. If you have any questions regarding these comments, please contact me at 408-277-4576.

Sincerely,

Janis Moore
Planner II

OA01-10-022 DEIR Midtown Milp Spec Plan Ltr.doc/JAM/203-07

Letter

F

City of San Jose, Department of Planning, Building and Code Enforcement, Janis Moore
November 19, 2001

- F-1** The commentor requests that the EIR include some discussion of the project area's close proximity to the San Jose/Santa Clara Water Pollution Control Plant in the Hazardous Materials section. Page 3.3-5 of the Draft EIR has been revised in this Final EIR to respond to this comment and provide additional information on the Plant's Risk Management Plan.
- F-2** The commentor states that the Draft EIR does not address the issue of solid waste disposal. Solid waste disposal was addressed in the Initial Study on the Midtown Specific Plan, which is included as Appendix A to the Draft EIR. Specifically, page 31 of the Initial Study notes that the increase in refuse generated by the proposed project could be accommodated by the Newby Island landfill, which is operated by BFL. No other project conditions would create an environmental impact related to solid waste disposal. Thus, the project would have a less-than-significant impact on solid waste disposal.

LETTER
G

County of Santa Clara

Roads and Airports Department
Land Development and Permits

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San Jose, California 95110-1302
(408) 573-2460 FAX (408) 441-0275
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CITY OF MILPITAS
PLANNING DIVISION



November 19, 2001

Ms. Marina Rush
Associate Planner
Planning Division
City of Milpitas
455 East Calaveras Blvd.
Milpitas CA 95035

Subject: DEIR for Midtown Milpitas Specific Plan
SCH# 2000092027

Dear Ms. Rush,

We have reviewed the DEIR for subject project dated October 2001. Our comments are as follows:

- 1) As indicated in the Table 3.9-13, "Mitigation Measures and LOS under Baseline Plus Project Conditions", three of the impacted intersections on Montague Expressway (S. Main St.-Old Oakland Rd., McCandless Dr.-Trade Zone Blvd., and Great Mall Pkwy.) have no feasible mitigation measures. The recent Montague Expressway planning process resulted in identification of the grade separation of Great Mall at Montague Expressway as a feasible project. It is recommended that the City revisit the analysis for the three Montague Expressway intersections mentioned above or collect traffic impact fee for future grade separation structures along Montague Expressway as a possible mitigation measure.
- 2) Other intersections on Montague Expressway, between 880 and 101, need to be included in the study.
- 3) In the discussion for Montague Expy./McCandless Dr.-Trade Zone Blvd. (page 3.9-33), the DEIR states that "An alternative measure to fully mitigate the project impact is provision of an overlap phase for the southbound right-turn movement." Please be advised that signal timing or phasing sequence change is not considered a mitigation measure.

G-1

G-2

G-3

Thank you for the opportunity to review and comment on this project. If you have any questions, please call me at (408) 573-2463.

Sincerely,

Sean Quach
Project Engineer

cc : DEC, MA/SK, RVE, File

Midtown Specific Plan.doc

Board of Supervisors: Donald F. Gage, Blanca Alvarado, Pete McHugh, James T. Beall, Jr., Liz Kriss
County Executive: Richard Wittenberg



Letter
G

County of Santa Clara, Roads and Airports Department, Sean Quach
November 19, 2001

- G-1** The commentor requests that the City revisit the analysis for three Montague Expressway intersections in light of the recent Montague Expressway planning process, which identified a grade separation of Great Mall at Montague Expressway as a feasible project.

Under Mitigation Measure Traffic-1 on page 3.9-29, the DEIR states that the city has historically required new development to pay its pro-rata share of improvement costs on a project-by-project basis, and the City will continue to use this approach and/or identify alternative funding mechanisms for roadway improvements. These contributions could be applied to projects such as the addition of through lanes or grade-separation structures on Montague Expressway west of Great Mall Parkway. Even with contributions from Midtown developments, some of the projected intersection impacts would likely remain significant and unavoidable because of the need for non-standard lane configurations (e.g., triple left-turn lanes) and/or right-of-way constraints. The proposed grade separation of the Montague Expressway/Great Mall Parkway intersection would still require funding from the proposed BART extension in addition to contributions from Midtown projects to be constructed.

- G-2** The commentor states that other intersections on Montague Expressway, between 880 and 101, need to be included in the study. All of the signalized intersections on Montague Expressway west of Great Mall Parkway in Milpitas and San Jose were included in the comprehensive Montague Expressway Improvement Project study completed in March 1999. That study analyzed intersection operations through 2025, identified numerous at-grade and grade-separation improvements to enhance operations, and helped to establish funding priorities. The 2025 projections for that study included a substantial amount of growth in the Midtown area of Milpitas based on the City's current General Plan. According to City of Milpitas staff, the land uses currently proposed for the Midtown Specific Plan project represent a significant "down-zoning" compared to the General Plan and subsequently would generate less traffic than assumed in the Montague Expressway Improvement Project. Thus, the impacts of the project have already been accounted for in the long-range planning for this facility. The City of Milpitas is finalizing a plan to obtain fair-share contributions towards Montague Expressway improvements from new developments similar to the process used in the Milpitas Business Park area. In addition, individual developments in the Specific Plan area will be required to prepare project-specific transportation impact analysis reports as part of the approval process.

- G-3** The commentor states that signal timing or phasing sequence change is not considered a mitigation measure. The phasing of a traffic signal has a direct effect on the calculation results of critical movement delay, critical volume-to-capacity ratio, and overall level of service - all of which are used to identify significant traffic impacts. It is acknowledged that a change in cycle length at an individual intersection by itself is not considered a mitigation measure since the intersection is part of a coordinated signal system. However, the addition

of a new signal phase (e.g., an overlap phase for a right-turn movement) could mitigate a significant impact by providing additional capacity in the form of green time for that movement. For these reasons, provision of an overlap phase for the southbound right-turn movement at the Montague Expy./McCandless Drive-Trade Zone Boulevard intersection could improve intersection operations, and thus mitigate an unacceptable operating condition. Other issues, such as prohibiting U-turns to accommodate a right-turn overlap phase, could be considered if such an approach were to be implemented by Santa Clara County.

LETTER
H



WILLIE L. BROWN, JR.
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CITY OF MILPITAS
PLANNING DIVISION

November 19, 2001

Marina Rush, Associate Planner
City of Milpitas
Planning, Recreation & Neighborhood Services Division
455 East Calaveras Boulevard
Milpitas, CA 95035-5479

VIA FAX: (408) 586-3293

RE: Midtown Milpitas Specific Plan Draft Environmental Impact Report (EIR)

Dear Ms. Rush:

Thank you for the opportunity to comment on the draft EIR for the proposed Midtown Milpitas Specific Plan. The following comments are submitted on behalf of the San Francisco Public Utilities Commission (SFPUC) as the administrator of the Hetch Hetchy Pipeline Right-of-Way (ROW) lands owned by the City and County of San Francisco.

The SFPUC's Hetch Hetchy Pipeline ROW is located within the draft Midtown Milpitas Specific Plan area. Policy 7.18 of the proposed Plan identifies the ROW as part of a proposed public trail system (see Figure 2-8 of the Plan). On page 3.9-20 of the proposed Midtown Milpitas Specific Plan, it states that the proposed trail has been planned, but not yet developed. The SFPUC was not consulted or notified of the proposed use of its property during the development of the Midtown Milpitas Specific Plan. Therefore, the draft EIR for the project should be revised to incorporate the following comments.

Relevance of Local Plans to SFPUC Lands

The Midtown Milpitas Specific Plan Draft EIR should note that the SFPUC (as a public utility) receives intergovernmental immunity under the California Government Code. The Midtown Milpitas Specific Plan would be non-binding on the SFPUC's management of its land. The SFPUC, however, seeks to manage its land cooperatively with local jurisdictions, when feasible, to avoid conflicts with local planning and building laws.

Proposed Hetch Hetchy Pipeline Trail

The proposed trail along the Hetch Hetchy Pipeline ROW should not be included in the proposed Midtown Milpitas Specific Plan because it has not been approved by the SFPUC. The text of the Plan, however, could state the following:

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Marina Rush, Associate Planner
Midtown Milpitas Specific Plan Draft EIR

November 19, 2001

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CITY OF MILPITAS
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The SFPUC operates and maintains several miles of pipelines and related facilities on its right-of-way (ROW) in Alameda County. To ensure the delivery of safe and reliable water to over 2.4 million Bay Area residents, it is important to protect these water transmission facilities and the ROW itself from damage and to preserve access for maintenance, repair and replacement of pipelines as necessary. In addition, the ROW must be maintained so as to minimize any potential landowner liability and to provide for the possibility of future capital improvements, including the addition of one or more new pipelines to the ROW. Clearly stated, the primary purpose of the SFPUC's ROW is the operation and protection of the water supply transmission system and related facilities.

The SFPUC, however, allows secondary uses on its ROW, including recreational uses such as trail alignments, where those uses are compatible with the primary purpose of the ROW as described above. While trails and other recreational uses might be welcome additions to some areas of the ROW, several factors could make such a proposal inappropriate at other ROW locations.

- While the City and County of San Francisco owns most of the ROW in fee, in some instances, the City has only an easement interest. These portions of the ROW would not be available for trail use through the SFPUC.
- Many areas of the ROW are already leased to other parties and therefore are unavailable for trail use.
- Recreational uses on the ROW may be inappropriate due to, or limited by, surrounding land uses.
- If trails are allowed on the ROW, only those alignments with the highest recreational values should be considered. ROW parcels with high recreational values would be those that provide connectors to nearby public parks, offer scenic views, traverse through areas with significant cultural or natural features, reach important destination points, and generally provide a varied and meaningful trail experience.
- Proposed trail alignments on the ROW should avoid areas containing sensitive habitat or potentially unsafe conditions for trail users.

It must also be understood that even if trail use were approved on the ROW by the SFPUC, at some point it may be necessary to permanently remove, re-locate or temporarily close a trail if maintenance, operations or capital improvements to the water transmission lines require it.

Although a specific trail alignment on the SFPUC's ROW has not been identified in this Plan, the City of Milpitas will work

H-3

November 19, 2001

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PLANNING DIVISION

H-3

with the SFPUC to identify parcels on the ROW that are appropriate for trail use. Trail proposals for identified sites on the ROW will then be submitted to the SFPUC for review and consideration of approval on a case-by-case basis. After consulting with the SFPUC staff, the City of Milpitas will be responsible for public notification and community outreach related to proposed trail projects on the ROW land, including efforts to reach consensus among various stakeholders (trail advocates, adjacent property owners, etc). Consistent with SFPUC policy, the costs of construction, operations and maintenance, security and indemnity for trails on the SFPUC's ROW land will not be borne by the water ratepayers. Individual trail projects on the ROW may require further environmental review.

Proposed Tree and Planting Ordinance

The draft EIR for the proposed Midtown Milpitas Specific Plan includes a reference to the Milpitas Tree and Planting Ordinance (page 3.1-3). In some cases, the Hetch Hetchy ROW Pipeline is under or adjacent to city streets. It should be made clear that the local tree and planting ordinance does not apply to SFPUC property under the intergovernmental immunity that the SFPUC (as a public utility) receives under the California Government Code. Planting trees over or too close to the water transmission pipelines is a serious concern for the SFPUC because inappropriate plantings can damage the pipeline and compromise the delivery of the water supply.

H-4

Thank you again for this opportunity to relay our concerns and to comment on the draft EIR for the proposed Midtown Milpitas Specific Plan. If you have any questions or need further information, please contact me at (650) 652-3205.

Sincerely,

Joanne Wilson

Joanne Wilson, AICP
Land and Resources Planner

C: Cheryl Davis, Joe Naras, Mark Mueller, Jane Herman, Gary Dowd, Josh Milstein

Letter
H

San Francisco Public Utilities Commission, Joanne Wilson
November 19, 2001

- H-1** The commentor introduces the letter and provides background information on the San Francisco Public Utilities Commission's (SFPUC) Hetch-Hetchy Pipeline right-of-way, which is included in the Midtown planning area. The commentor states that a trail is proposed along the right-of-way, but that the SFPUC was not consulted regarding this use. These comments are noted.
- H-2** The commentor notes that the SFPUC receives intergovernmental immunity under the California Government Code, and that the Midtown Milpitas Specific Plan would be non-binding on the SFPUC's management of its land. These comments are noted and are incorporated into the Final EIR by reference.
- H-3** The commentor states that the trail along the Hetch-Hetchy Pipeline right-of-way should not be included in the proposed Midtown Milpitas Specific Plan because it has not been approved by the SFPUC. The commentor provides some alternative text for the Draft Plan.
- The Midtown Specific Plan is a planning document that provides a long-range vision for the planning area. The City of Milpitas will encourage the development of continuous trails through the Midtown area, some of which are on lands within the control of the SFPUC. Development of these trails is not proposed at this time. The development of these trails would ultimately be negotiated and developed only with permission from the SFPUC on their lands. At this time, the City of Milpitas is proposing a land use vision for the area, which includes the anticipation that the Hetch-Hetchy right-of-way could be developed with a trail use if agreement is reached with the SFPUC. Development of the trails by the City of Milpitas is not imminent. An amendment to the Draft Specific Plan is not necessary.
- H-4** The commentor notes that the City of Milpitas Tree and Planting Ordinance does not apply to the SFPUC property under the intergovernmental immunity that the SFPUC receives under the California Government Code. These comments are noted.

ICRES

ARCHITECTS & BUILDERS

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CITY OF MILPITAS
PLANNING DIVISION

November 20, 2001

Marina Rush, Associate Planner
CITY OF MILPITAS
455 East Calaveras Blvd.
Milpitas, California 95035-5411

Re: Comment to Midtown Milpitas Specific Plan EIR

Dear Ms. Rush:

We are owners of property in the vicinity of South Main and Montague Expressway. The properties in that area are designated Multi-Family/Very High Density. We have been satisfied with that designation, but are concerned that an alternative potential use has not been addressed in the Environmental Impact Report. At other entrances to the Midtown Specific Plan Area, a Gateway Office Overlay Zone has been analyzed. Although it may not be easy to envision the potential of South Main and Montague to convert to an office gateway use based upon current uses, the proximity to BART and light rail may make such a conversion economically feasible.

We are not asking to change the proposed Specific Plan designation for that area, but to have the Office Gateway Overlay Zone at South Main and Montague evaluated as to its potential environmental effects, particularly its traffic impacts, in the Final EIR. This alternative should be evaluated at the specific density of 1.5 F.A.R.. This analysis would permit public policy makers and potential redevelopers to evaluate the Office Gateway alternative with better understanding of the environmental effects.

In fact, South Main at Montague is a major entry to the Midtown area, which will make the first impressions for the entire area. Some mix of uses, such as a significant Class A office complex, has the potential to jump-start the revitalization of the South Main corridor. The confluence of two major transit stops may be too valuable of a location for transit-oriented development to be limited to only a one-quarter mile radius.

If the Final EIR provides sufficient information regarding feasibility and constraints, any amendment to the Specific Plan, if desired by all parties, could be processed as a subsequent action.

Thank you for your consideration.

Sincerely,

ICRES



Edward C. Love, Architect
V.P. Planning and Design

G:\WORD\LETTER\EL M. Rush 01.doc

50 University Avenue * Suite C230 * Los Gatos, California 95030 * (408) 399-3369 * fax (408) 399-3379

ICRES Architects & Builders, Edward C. Love
November 20, 2001

- I-I The commentor requests that the EIR consider the potential impacts of an alternative land use for property in the South Main at Montague area. The Specific Plan designates that property for Multi-Family/Very High Density. Although the commentor is not requesting that the proposed land use designation of the Plan be changed, information about the comparative environmental impacts of this potential alternative is requested.

The CEQA Guidelines direct lead agencies that the "range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects" (Section 15126.6(c)). Although the Draft EIR satisfies this requirement, the following is provided to inform the City of Milpitas decision-makers about the commentor's proposed alternative.

The Specific Plan assumed that 450 residential units could be developed on the site in question. The commentor asks for a comparative evaluation of this development to office development at 1.5 FAR. Because the site is approximately 5.2 acres in size, the development intensity could result in approximately 339,800 square feet of office development.

The following table provides a comparison of the environmental effects of these two types of development. This table provides information similar to that provided in Table 7-6 of the Draft EIR, but focuses in on the site in question.

Land Use	Domestic Water Use (afy)	Wastewater Flows (mgd average dry weather peak week flow)	Vehicle Trip Generation (Daily Total)
450 Residential Units	110	0.08	2,295
65,340 Square Feet Office	47	0.03	4,456

afy = acre-feet per year

mgd = million gallons per day

Development of this site with office use would result in an increase in vehicle trips, which would increase traffic and air quality impacts. However, water consumption and wastewater flows would be less with the suggested office land use scenario. Other potential impacts identified in the EIR (hazardous materials, biological resources, and cultural resources) have

the potential to occur with any development scenario in the Specific Plan area, and would not be substantially changed (i.e., reduced or increased) by a different land use scenario.

The designation of this site for office use would not provide as much housing as the proposed Specific Plan, for which there is a substantial demand in the region. It is highly likely that if housing is not developed in an area such as Milpitas (i.e., close to transit and regional employment centers), housing development would be in greater demand in outlying suburban areas. Housing development in such areas would comparably result in a greater contribution to traffic and regional emissions because the benefits of transit could not be utilized, and because trips would likely be longer as people would generally travel greater distances to employment centers.

Although this alternative designation would result in comparatively lesser environmental impact, the City of Milpitas is not required to adopt it. In short, CEQA requires that the Lead Agency adopt mitigation measures or alternatives, where feasible. The concept of feasibility encompasses the question of whether a particular alternative promotes the underlying goals and objectives of the project to the extent that these are based on a reasonable balancing of the relevant economic, environmental, social, and technological factors. These goals include the provision of housing in the planning area and development of transit-oriented development.

LETTER

J



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CITY OF MILPITAS
PLANNING DIVISION

November 21, 2001

City of Milpitas
Planning Division
455 E. Calaveras Blvd.
Milpitas, CA 95305

Attention: Marina Rush

Subject: Midtown Specific Plan

Dear Ms. Rush:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Midtown Specific Plan Draft EIR for a long-range land use and development plan for the western portion of Milpitas, generally located west of the Union Pacific Railroad line. We have the following comments.

Land Use Plan

The last sentence under the *Land Use Plan* subheading (page 2-6) should be changed to read: "This future extension would traverse Midtown along the eastern Union Pacific Railroad right-of-way, and provide one station at Montague/Capitol, with an optional station at Abel/Calaveras (see Future BART Extension section for more details)."

Under the *Future BART Expansion* subheading (page 3.9-20), please replace "Expansion" with "Extension." In addition, please replace the last sentence with the following:

"VTA just completed a Major Investment Study that evaluated transportation alternatives in the Fremont-to-San Jose corridor. On November 9, 2001, the VTA Board of Directors unanimously selected a BART extension from Fremont to Milpitas, San Jose, and Santa Clara as the Preferred Investment Strategy for the corridor. Following the MIS phase, VTA, in conjunction with the various cities along the corridor will be evaluating various station locations, alignment profiles, and other design considerations. This work effort will be conducted as part of the environmental compliance process for the proposed BART extension."

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PLANNING DIVISION

Transit-Oriented Development Overlay Districts

The Development Standards and Design Guidelines in the Milpitas Midtown Specific Plan propose development at a minimum of 31 dwelling units per gross acre (DU/AC) and a maximum of 40 DU/AC in the North Midtown TOD Overlay District. For the South Midtown TOD Overlay District, the Plan proposes a minimum of 41 DU/AC and a maximum of 60 DU/AC. VTA strongly supports these development proposals since they support transit uses.

J-3

Transit Service

The Main Street Corridor between Weller and Great Mall Parkway is the major transit corridor that operates through the study area. It is served by two VTA bus routes and one AC Transit route.

The I-880/LRT Station opened in May 2001. Two additional LRT stations at Great Mall and Montague will open in 2004. The Great Mall Station will also have a transit center nearby and provide regional intermodal connections at this location. Bus service options for these stations are currently in the planning stage and final service recommendations will not be forthcoming until FY2003. It is the current plan to focus transfer activity at this new transit center. The stops at Weller, as well as service along Main, will continue at a level that has not been determined.

J-4

On page 3.9-18, it should be indicated that one ACE Shuttle Route serves the Weller and Main facility.

J-5

On page 3.9-19 a subheading is titled "ACE Shuttle Service." It should be more correctly titled "ACE and Light Rail Shuttles" as it describes both services. This section should mention that both services are managed by VTA.

J-6

On page 3.9-20 a subheading is titled "Future Transit Center Relocation." This section should be modified and re-titled to reflect that the Great Mall Transit Center will be a newly constructed facility. The transit center at Weller and Main will not be closed. Therefore, the Midtown area will have both transit centers. It is correctly stated that service now at Weller and Main will be reduced and deployed at the Great Mall, but it should be noted service will continue at Weller and Main.

J-7

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CITY OF MILPITAS
PLANNING DIVISION

City of Milpitas
November 21, 2001
Page 3

It also should be noted that VTA currently uses a parking lot on Main Street (under the Calaveras Street overpass) as a park-and-ride lot. The opening of the Great Mall Transit Center and Park-and-Ride may remove the need for the Main Street park-and-Ride, however, a final decision has not yet been made.

J-8

Streetscape Improvements

Pages 3.1-5 and 3.1-6 describes, in general terms, the streetscape improvements that will be made along the major streets: Abel Street, Main Street, and Great Mall Parkway. City staff should commit to working with VTA to develop and/or maintain existing bus stops along these arterials that fit into their streetscape plans while meeting VTA's operational and passenger needs. VTA is particularly concerned about the proposal to add parallel parking on both sides of Main Street and its compatibility with efficient bus operations. Consultation with VTA must occur to ensure that this design incorporates our operating requirements. VTA does not currently have bus service along the Midtown section of Abel Street, but may have once the new Great Mall Transit Center opens. Therefore, the streetscape design for this roadway should also include bus stops.

J-9

The Specific Plan does not show in detail what the streetscape improvements will be for Main Street, Great Mall Parkway, and Abel Street. In order to determine the impact of the project on pedestrians, bicyclists, and transit, VTA recommends that these streetscape improvements be shown on a map.

J-10

These improvements should also be shown in cross-section. The plan includes a cross-section of Tasman Drive, but does not include cross-sections of the above mentioned streets, all of which are of high importance for multi-modal travel.

J-11

The cross-section of Tasman Drive shows a 17-foot curb lane next to a 4-foot bike lane. VTA is curious as to why such a wide curb lane is necessary. Since this street will be the location of several transit stations, it will be an important pedestrian route. Wide travel lanes encourage speeding, which will adversely affect pedestrians in this area; therefore, VTA recommends that the curb lane be 12 feet, as are the inside travel lanes, with VTA standard bus duckouts at bus stops along the street.

J-12

The Specific plan stipulates that one goal of the plan is to improve viability of pedestrian bicycle, and pedestrian travel. A way to do this through streetscape improvements is to create cross-sections that feature narrow travel lanes, wide bicycle lanes, wide sidewalks, buffers between traffic and pedestrians, and special treatments for pedestrian crossings such as raised crosswalks and curb extensions. VTA recommends that such features be included in the streetscape improvements for the above mentioned streets.

J-13

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CITY OF MILPITAS
PLANNING DIVISION

City of Milpitas
November 21, 2001
Page 4

Cross-County Bicycle Corridors and Facilities

The Specific Plan area includes portions of VTA's Cross-County Bicycle Corridors; specifically, such corridors run along Montague Expressway, Tasman/Great Mall, and Main Street. These corridors serve countywide bicycle travel. Therefore, VTA recommends that the streetscape plans for these streets include high-quality bicycle facilities. For instance, bike lanes along Tasman Drive/Great Mall Parkway should be at least 5 feet in width, as recommended in VTA's *Bicycle Technical Guidelines*, rather than the 4 feet currently shown in the street cross-section.

J-14

The proposed bike trails should provide direct connections to the future transit center and rail stations as well as key bus stops along Main.

Pedestrian Connections

VTA supports the plan's call for more pedestrian connections, especially the overcrossing of the Union Pacific Railroad tracks. These connections will promote use of alternate travel modes for local trips.

J-15

Circulation Plan

VTA supports the plan's call for new streets in the area. The area currently suffers from poor connectivity, and the new streets will improve mobility for all modes. Also, according to the plan, Carlo Street may be closed at two locations. The EIR indicates that this closure will not significantly affect operations of the street system. VTA notes that street closures can lengthen trips, thereby discouraging alternative mode use for local trips. If the street is to be closed, VTA recommends at least preserving bicycle and pedestrian access.

J-16

Transportation Impact Analysis

The EIR identifies significant and unavoidable impacts on the transportation system caused by traffic generated from land uses proposed by the Specific Plan. VTA acknowledges that some of these impacts are significant and unavoidable because of various constraints, including the absence of an adopted deficiency plan. In the absence of such a plan, VTA's Immediate Implementation Action List should be implemented. This list, published as Appendix D to VTA's Transportation Impact Guidelines, includes measures that are designed to reduce the number of single-occupant-vehicle trips generated by the new land uses (copy attached). For further information on this list, please contact Chester Fung at (408) 321-5725.

J-17

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Transportation Demand Management

In addition to the items on VTA's Immediate Implementation Action List, there are several other measures that can be taken to manage transportation demand generated by the new development. Specifically, new employee sites can utilize any or all of the following strategies:

- Provide financial incentives
 1. Transit fare: Eco Pass, commuter checks
 2. Charging for parking, and/or parking cash-out
 3. Direct or indirect payments for taking alternate modes
- Promote rideshare
 1. Carpool matching (in-house or RIDES)
 2. Vanpool program
 3. Preferential carpool parking
 4. Marketing (events, promotions, etc.)
- Provide shuttle service
 1. In-house shuttle connection to transit
 2. In-house local shuttle between sites and to lunch/convenience services
 3. Co-sponsoring of transit connection shuttle or local shuttle
- Encourage bicycling
 1. Bicycle lockers, racks
 2. Showers, clothes lockers
 3. Marketing (events, promotions)
- Provide employee services
 1. On-site or walk accessible employee services (day-care, dry-cleaning, fitness, banking, convenience store)
 2. On-site or walk-accessible restaurants
- Guaranteed ride home

The new residential land uses could also employ financial incentives such as residential Eco Pass.

J-18

City of Milpitas
November 21, 2001
Page 6

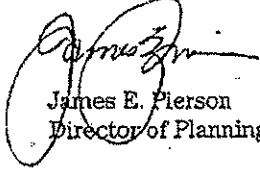
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CITY OF MILPITAS
PLANNING DIVISION

Thank you for the opportunity to review this project. If you have any questions, please call Roy Molseed at (408) 321-5784.

Sincerely,



James E. Pierson
Director of Planning and Development

JEP:RM:kh

cc: Henry C. Manayan, VTA Policy Advisory Committee Member
Jim Lawson, VTA Policy Advisory Committee Member
Valerie Barone, City of Milpitas Planning Director
Michael P. Evanhoe, Director of Highway and Congestion Management Programs

**Congestion Management Program
Deficiency Plan Guidelines
Immediate Implementation Action List**

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**CITY OF MILPITAS
PLANNING DIVISION**

A. Bicycle and Pedestrian Actions

- A-2.....Bike Lockers, Racks, and Facilities at Transit Centers
- A-3.....Improve Roadside Bicycle Facilities
- A-4.....Improve Pedestrian Facilities

B. Public Transit

- B-3.....Shuttle
- B-8.....Bus Stop Improvements

C. Carpooling, Bus Pooling, Van Pooling, Taxi Pooling

(All actions on deferred list, pending adoption of the Countywide Deficiency Plan.)

D. High Occupancy Vehicle (HOV) Facilities

(All actions on deferred list, pending adoption of the Countywide Deficiency Plan.)

E. Transportation Demand Management (TDM) Programs

- E-2.....Public Information Programs

F. Traffic Flow Improvements

- F-2.....Peak-Hour Parking and Delivery Restrictions
- F-3.....Traffic Signal Timing and Synchronization Program
- F-4.....Traffic Flow Improvements in Urban Areas

G. Site Design Guidelines for New Development

- G-1.....HOV Parking Preference Program
- G-2.....Bike Facilities at Development Projects
- G-3.....Building Orientation Placement at Employment Sites
- G-4.....Pedestrian Circulation System
- G-5.....Bike Storage at Residential Development Projects
- G-6.....Shuttle Service (New Development)
- G-7.....Transit Stop Improvements
- G-8.....Multi-Tenant Complex TDM Program

H. Land-Use Program

(All actions on deferred list, pending adoption of the Countywide Deficiency Plan.)

Letter

J

**Santa Clara Valley Transportation Authority, James E. Pierson
November 21, 2001**

- J-1** The commentor provides a revision to page 2-6 of the Draft EIR. This revision is made in Chapter 2 of this Final EIR.
- J-2** The commentor provides a revision to page 3.9-20 of the Draft EIR. This revision is made in Chapter 2 of this Final EIR.
- J-3** The commentor notes that the VTA supports the residential densities proposed by the Specific Plan, since they support transit uses.
- J-4** The commentor provides additional information regarding the Main Street Corridor the light rail transit planned for the area. These comments are noted, and revisions have been made to the Draft EIR to respond to these comments.
- J-5** The commentor provides a revision to page 3.9-18 of the Draft EIR. This revision is made in Chapter 2 of this Final EIR.
- J-6** The commentor provides a revision to page 3.9-19 of the Draft EIR. This revision is made in Chapter 2 of this Final EIR.
- J-7** The commentor provides a revision to page 3.9-20 of the Draft EIR. This revision is made in Chapter 2 of this Final EIR.
- J-8** The commentor notes that the VTA currently uses a parking lot on Main Street (under the Calaveras Street overpass) as a park-and-ride lot. The opening of the Great Mall Transit Center and Park-and-Ride may remove the need for the Main Street Park-and-Ride; however, a final decision has not been made. These comments are noted.
- J-9** The commentor states that the City of Milpitas should commit to working with the VTA to develop and/or maintain existing bus stops along the arterials of Abel Street, Main Street, and the Great Mall Parkway when streetscape plans are implemented.

Although detailed streetscape plans have not been developed at this time, the City of Milpitas is committed to working with the VTA to ensure that these improvements are compatible with efficient bus operations. As recommended by the VTA, the City will consult the Agency when these design processes are underway to ensure that the designs incorporate any necessary operating requirements.

The commentor notes that there is currently not bus service along Abel Street, but that with the opening of the Great Mall Transit Center, this bus service may be established. Thus, streetscape designs for Abel Street should include bus stops. The City will work with the

VTA to ensure that the streetscape designs for Abel Street can accommodate future bus service, should it be established.

- J-10** The commentor notes that the Specific Plan does not show in detail what the streetscape improvements will be for Main Street, Great Mall Parkway, and Abel Street. The Specific Plan indicates that there should be improvements along these streets, but does not provide detailed streetscape plans. As indicated in Policy 7.13 of the Plan, streetscape design and construction documents should be developed for Main Street, Abel Street, Great Mall Parkway, and East Curtis Street. These plans have not yet been developed.

The VTA requests that the streetscape improvements planned for these streets be shown on a map. The improvements are not detailed on a map because the details of the improvements are not yet known. The Specific Plan simply provides guidance to the City as to where more detailed plans should be developed. Detailed streetscape plans will be provided to the VTA for comment as they are developed.

- J-11** The commentor states that the streetscape improvements proposed by the Draft Specific Plan should be shown in cross section. Beginning on page 4-12 of the Draft Specific Plan, illustrative cross-sections are shown for Main Street, Abel Street, Great Mall Parkway, and East Curtis Street. The Plan does not include a specific cross section for Tasman Drive, since it is not located in the Midtown planning area. (Tasman Drive becomes Great Mall Parkway in the Midtown area.) It should be noted that these cross-sections are only illustrative. More specific streetscape plans will be developed by the City for these improvements as an implementation measure of the Specific Plan.

- J-12** The commentor refers to a cross section for Tasman Drive, and makes specific comments on the cross section. As noted above, a cross section is not provided for Tasman Drive in the Specific Plan. It is assumed the commentor is referring to the cross section for Great Mall Parkway. The commentor questions the dimensions of the travel lanes provided in the Specific Plan. The dimensions shown in the cross sections provided by the Specific Plan are conceptual only. VTA recommends that the curb lane on this roadway be reduced to 12 feet, with VTA standard bus duckouts at bus stops along the street. The comments are noted and will be taken under advisement. The City of Milpitas will work with the VTA when specific streetscape plans are developed for these roadways.

- J-13** The commentor states that the Specific Plan should encourage pedestrian and bicycle travel through streetscape improvements that feature narrow travel lanes, wide bicycle lanes, wide sidewalks, buffers between traffic and pedestrians, and special treatments for pedestrian crossings. VTA recommends that these measures be included in the streetscape improvements for the planning area. This comment is noted and will be taken under advisement when detailed streetscape plans are developed for the planning area.

- J-14** The commentor provides recommendations for bicycle facilities and improvements along Great Mall Parkway and Main Street. The commentor states that the bikeways along Great Mall Parkway be at least 5 feet in width, as recommended in the VTA's Bicycle Technical

Guidelines, rather than the 4 feet currently shown in the Draft Specific Plan. Currently, the bike lanes are stripped at 5 feet minimum, and on average are 6 feet wide. These comments are noted and will be taken under advisement when detailed streetscape plans are developed for the planning area.

- J-15** The commentor notes that the VTA supports the Plan's call for more pedestrian connections, especially the overcrossing of the Union Pacific Railroad tracks. As noted by the commentor, these connections will promote use of alternative travel modes for local trips. This comment is noted.
- J-16** The commentor notes that Carlo Street may be closed at two locations. The commentor requests that if the street is closed, that the VTA recommends preserving bicycle and pedestrian access. This comment is noted and will be taken under advisement by the City of Milpitas.
- J-17** The commentor notes that the Draft EIR identifies significant and unavoidable impacts on the transportation system and recommends that VTA's Immediate Implementation Action List should be implemented. The commentor acknowledges that these measures may not reduce impacts to a level of insignificance, but that they should continue to be implemented to reduce traffic.

The VTA's Immediate Implementation Action List is incorporated into this Final EIR. All of these measures are encouraged by the City of Milpitas. As noted in Policy 4.18 of the Specific Plan, new development would be required to provide secure and weather protected bicycle parking facilities at transit stations and within new residential, retail and employment destinations. In addition, Policy 4.23 requires new development within the planning area to encourage the use of alternative modes of transportation through programs such as carpool parking, the VTA's Eco-Pass program, shuttles to transit stations and lunchtime destinations, alternative work schedules, and telecommuting. The VTA's listing of additional TDM measures could be implemented in the Midtown planning area as new development occurs. The City of Milpitas is committed to encouraging alternative modes of transportation, and will continue to require TDM measures consistent with the VTA's guidance.

- J-18** The commentor notes that there are several other measures that can be taken to manage transportation demand generated by new development. As discussed above, measures encouraging alternative modes of transportation and TDM measures will be required through Policy 4.18 and Policy 4.23 of the Specific Plan.

LETTER
K

Santa Clara Valley
Water District



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CITY OF MILPITAS
PLANNING DIVISION

November 21, 2001

Ms. Marina Rush
City of Milpitas
Planning, Recreation and Neighborhood
Services Division
455 East Calaveras Boulevard
Milpitas, CA 95035

Dear Ms. Rush:

Subject: Draft Environmental Impact Report for the Milpitas Midtown Specific Plan

The Santa Clara Valley Water District (District) has reviewed the subject document, received by the District on October 11, 2001. The District has the following comments:

According to District Ordinance 83-2, a District permit will be required prior to any construction, including storm water outfalls, proposed within 50 feet from the top of bank of Berryessa, East Penitencia, and Lower Penitencia Creeks; and within District right-of-way.

The *Trails* section on Page 3.9-20 states that the City of Milpitas City Council has adopted a Trails Master Plan proposing several city trails along District facilities. Please provide us with a copy of the Trails Master Plan. Also, the District recommends the inclusion of creekside setbacks for riparian vegetation as trail enhancements within the District's existing right-of-way may not be adequate for trails and associated amenities.

As stated on page 3.4-4, approximately one-third of the planning area is located within the Federal Emergency Management Agency (FEMA) 100-year floodplain. To comply with FEMA regulations, the lowest floor and highest adjacent grade of any building must be above the 100-year water surface elevation. We recommend that the first floor be constructed a minimum of 2 feet above the 100-year water surface elevation.

In addition, proposed development within the existing floodplain should not increase the 100-year water surface elevation on surrounding properties nor should it increase existing flooding.

On page 3.4-5, please indicate that Lower Penitencia Creek has been improved and is hydraulically adequate to convey the 100-year flow. However, please note that Lower Penitencia Creek was not designed to contain overland flow from other sources such as Berryessa Creek. Such overland flow creates the existing flooding conditions surrounding Lower Silver Creek even though channel improvements have been completed in the creek.

K-1

K-2

K-3

K-4

K-5



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NOV 21 2001

Ms. Marina Rush

2

CITY OF MILPITAS November 21, 2001
PLANNING DIVISION

To prevent pollutants from construction activity, including sediments, from reaching Berryessa, Wrigley-Ford, East Penitencia, and Lower Penitencia Creeks, please follow the Santa Clara Urban Runoff Pollution Prevention Program's recommended Best Management Practices (BMP) for construction activities, as contained in "Blueprint for a Clean Bay," and the "California Storm Water Construction BMP Handbook."

K-6

Postconstruction water quality mitigation needs to be implemented. The design of the project area should incorporate water quality mitigation measures such as those found in "Start at the Source, Design Guidance Manual for Stormwater Quality Protection," prepared for the Bay Area Stormwater Management Agencies Association.

K-7

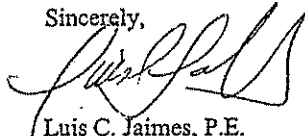
For sites greater than 5 acres, developers must file a Notice of Intent to Comply with the State National Pollution Discharge Elimination System General Permit for Storm Water Discharges Associated With Construction Activity with the State Water Resources Control Board. Developers must also prepare a storm water pollution prevention plan, and provide measures to minimize or eliminate pollutant discharges from construction activities and landscaping areas after construction.

K-8

We look forward to reviewing the Final Environmental Impact Report once it is completed.

If you have any questions or comments, please call me at (408) 265-2607, extension 2576. Please refer to District File No. 26436 on any future correspondence regarding this project.

Sincerely,



Luis C. Jaimes, P.E.
Associate Civil Engineer
Community Projects Review Unit

Letter
K

Santa Clara Valley Water District, Luis C. Jaimes
November 21, 2001

- K-1** The commentor notes that a permit from the Santa Clara Valley Water District (SCVWD) would be required prior to any construction proposed within 50 feet from the top of bank of Berryessa, East Penitencia, and Lower Penitencia creeks, and within the District's right-of-way. This comment is noted.
- K-2** The commentor requests a copy of the Trails Master Plan. The City of Milpitas has forwarded a copy of the Master Plan to the SCVWD. The commentor further notes that the District recommends the inclusion of creekside setbacks for riparian vegetation as trail enhancements. This comment is noted. As individual trail segments are proposed for development, the City of Milpitas will coordinate with the SCVWD to address setback and riparian enhancement options.
- K-3** The commentor notes that approximately one-third of the planning area is located within the FEMA 100-year floodplain, as stated in the Draft EIR. To comply with FEMA regulations, the lowest floor and highest adjacent grade of any building must be above the 100-year water surface elevation. The City of Milpitas Municipal Code Section XI-15 requires that the finished floor be constructed one foot above base flood elevation. The SCVWD recommends that the first floor be constructed a minimum of 2 feet above the 100-year water surface elevation, which is higher than the City's requirements. These comments are noted.
- K-4** The commentor notes that proposed development within the existing floodplain should not increase the 100-year water surface elevation on surrounding properties nor should it increase existing flooding. As noted on page 3.4-8 of the Draft EIR, development in the floodplain would be required to comply with the City's Flood Plain Management Ordinance and FEMA Guidelines. Development would not impede or redirect flood flows, and the areas designated as flood zones are subject to shallow ponding depths, and would release into the public street before releasing onto adjacent property. These existing requirements would ensure that flooding hazards are not increased in the planning area.
- K-5** The commentor states that Lower Penitencia Creek has been improved and is hydraulically adequate to convey the 100-year flow. Additions to the EIR have been provided in Chapter 2 of this document to respond to this comment.
- K-6** The commentor recommends that best management practices be employed to prevent pollutants from construction activity from reaching Berryessa, Wrigley-Ford, East Penitencia, and Lower Penitencia creeks. Specifically, the best management practices contained in "Blueprint for a Clean Bay" and the "California Storm Water Construction BMP Handbook" are recommended. The City of Milpitas requires construction-period best

management practices to ensure that water bodies are not impaired by construction activities.

- K-7** The commentor states that post-construction water quality mitigation needs to be implemented. Appendix D of the Draft EIR contains the post-construction measures that are employed by the City of Milpitas to ensure that water quality is not impaired after construction of a project. These are consistent with the measures contained in the document referenced by the commentor.
- K-8** The commentor notes that for sites greater than 5 acres, developers must file a Notice of Intent (NOI) to Comply with the State National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated With Construction Activity with the State Water Resources Control Board. This comment is noted. The City of Milpitas has a new NPDES permit which mandates that NOIs be prepared for construction projects on properties of one acre or more, as of July 2003. Further, this requirement will decrease to 5,000 square feet in the future.

LETTER
L

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STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
P.O. BOX 23880
OAKLAND, CA 94623-0880
Tel: (510) 286-4444
Fax: (510) 286-5513
TDD: (510) 286-4454

NOV 21 2001

CITY OF MILPITAS
PLANNING DIVISION



November 21, 2001

SCL-General
SCL000115
SCH 2000092027

Ms. Marina Rush
City of Milpitas, Planning Division
455 East Calaveras Blvd.
Milpitas, CA 95035-5479

Dear Ms. Rush:

Midtown Milpitas Specific Plan - Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation in the environmental review process for the proposed project. We have examined the DEIR and have the following comments:

1. We recommend an analysis be completed using TRAFFIX methodology, for the Baseline Plus Project condition for the eight intersections in Table 3.9-13, that operate at Level of Service (LOS) F and cannot be mitigated. Theoretically, traffic that is constrained due to delay at these eight intersections can have an extremely negative impact to the upstream roadways and intersections, and have a lesser impact on the downstream roadways and intersections.
2. On Page 3.9-12, the following information should be added to the paragraph titled I-880/ SR 237 Interchange:
The SR 237/I-880 Interchange Stage C Project includes:
 - Stage C-1 consists of direct High Occupancy Vehicle (HOV) connectors which conveys HOV traffic from southbound Interstate 880 (I-880) to westbound State Route (SR) 237, and eastbound SR 237 to northbound I-880.
 - Stage C-2 includes the westbound Calaveras Boulevard to southbound I-880 on-ramp which will join the existing loop ramp at I-880 and extend to the south where it will merge with an extension of the eastbound SR 237 to the southbound I-880 connector. The merged on-ramps will cross over the southbound I-880 to Tasman Drive off-ramp by means of a braided structure before merging into southbound I-880.
 - Construction of these improvements will begin in Early 2002 and is scheduled for completion in 2004.
3. Please be sure to reserve right-of-way for the I-880/ Tasman Drive interchange improvements during your land use planning process.

L-1

L-2

L-3

Ms. Marina Rush, City of Milpitas/ SCL000115
November 21, 2001
Page 2

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NOV 21 2001

CITY OF MILPITAS
PLANNING DIVISION

Should you require further information or have any questions regarding this letter,
please call Maija Cottle, of my staff at (510) 286-5737.

Sincerely,

RANDELL H. IWASAKI
Acting District Director

By *Jean C. R. Finney*

JEAN C. R. FINNEY
District Branch Chief
IGR/CEQA

cc: Katie Shulte Young (State Clearinghouse)

Letter

L

State of California, Department of Transportation, Jean C. R. Finney
November 21, 2001

- L-1** The commentor recommends an analysis be completed using TRAFFIX methodology for the intersections that are projected to operate at LOS F. The near-term and far-term transportation impact analysis completed for the Midtown Specific Plan Draft EIR used the TRAFFIX software package and is consistent with other studies in the City of Milpitas, as well as other cities in the south Bay area. The 2015 analysis was based on traffic volumes forecast by the City's travel demand model. The study methodology was reviewed and approved by City staff.
- The commentor states that traffic that is constrained due to delay can have an extremely negative impact to the upstream roadways and intersections, and have a lesser impact on the downstream roadways and intersections. These comments are noted.
- L-2** The commentor provides additional information regarding the I-880 / SR 237 interchange. This information has been added to the EIR, as noted in Chapter 2 of this document.
- L-3** The commentor indicates that right-of-way be reserved for the I-880 / Tasman Drive interchange improvements. The Specific Plan and EIR does not provide for any improvements at this intersection. However, improvements have already been planned, independent of the Midtown planning process. Right-of-way is currently available for these planned improvements. The Specific Plan does not affect the provision of this right-of-way.

LETTER
M



Gray Davis
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
State Clearinghouse



Steven A. Nissen
DIRECTOR

November 26, 2001

Marina Rush
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035

Subject: Midtown Milpitas Specific Plan
SCH#: 2000092027

Dear Marina Rush:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 22, 2001, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report State Clearinghouse Data Base

SCH# 2000092027
Project Title Midtown Milpitas Specific Plan
Lead Agency Milpitas, City of

Type EIR Draft EIR
Description The Midtown Milpitas Specific Plan is a long-range land use and development plan. The Midtown Milpitas Specific Plan provides development goals and land use directives for the Midtown area for a 20-year planning horizon. The Specific Plan includes land use designation changes, standards, public and private improvements, and urban design recommendations.

Lead Agency Contact

Name Marina Rush
Agency City of Milpitas
Phone 408 586-3272
email
Address 455 E. Calaveras Boulevard
City Milpitas
State CA **Zip** 95035
Fax

Project Location

County Santa Clara
City Milpitas
Region
Cross Streets 942-acre areas near the western limits of the city
Parcel No. various
Township

Range **Section** **Base**

Proximity to:

Highways 237
Airports
Railways Union Pacific/Southern Pacific
Waterways Berryessa Creek, Penitencia Creek, Lower Wrigley Ford
Schools Milpitas Unified, Berryessa Union
Land Use Residential, Commercial and Light Industrial/ Multi-Family High Density, General Commercial, and Manufacturing and Warehousing.

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Wildlife; Wetland/Riparian; Water Supply; Water Quality; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

Date Received 10/09/2001 **Start of Review** 10/09/2001 **End of Review** 11/22/2001

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter
M

State of California, Governor's Office of Planning and Research, State Clearinghouse,
Terry Roberts
November 26, 2001

M-I

This letter acknowledges that the Midtown Milpitas Specific Plan EIR was submitted to the State Clearinghouse and the document has been distributed to the listed agencies and departments. This letter is noted.

**Oral Comments Received at Public Meeting
November 15, 2001**

The following are comments received at a public meeting that was held on November 15, 2001 to solicit comments on the Draft EIR. Informal responses were provided at the meeting. The following are more formal responses to each of the comments, which are provided directly after each comment.

Comment Number	Commentor	Comment
N-1	Heidi Wolf-Reid	Are the seismic impact findings based on recently submitted State maps?

Response: The seismic impacts evaluated in the Draft EIR are based upon the most up-to-date information available for the area. Among this data are area specific maps prepared by Earth Systems Consultants (August 2000), information developed by the Working Group on Northern California Earthquake Potential (WGCEP), and information developed by the Association of Bay Area Governments.

It is likely that the commentor is referring to the recently published Seismic Hazard Zone Map for the Milpitas Quadrangle, which was released on October 17, 2001. This map is available on the Department of Mines and Geology's web site at: www.conserv.ca.gov/dmg/shezp/maps/m_milp.htm. This mapping was not available at the time the Draft EIR geology section was written. However, the findings of this newly released mapping are consistent with the findings of the Draft EIR. Specifically, the mapping identifies the Midtown area as being a zone where historic occurrence of liquefaction indicates a potential for permanent ground displacement could occur. This is consistent with the findings of the Draft EIR, as identified on page 3.2-5.

N-2	Heidi Wolf-Reid	How will new NPDES storm drainage regulations affect project?
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Response: Development in the planning area will be required to comply with the NPDES regulations in place when individual development projects are proposed. The Midtown Specific Plan would not change these existing and future regulations. The City of Milpitas implements NPDES requirements through Title XI, Chapter 16 of the City's Zoning Ordinance. Currently, for sites greater than 5 acres, developers must file a Notice of Intent (NOI) to Comply with the State National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated With Construction Activity with the State Water Resources Control Board. As of July 2003, NOIs will be required for construction projects on properties of one acre or more.

N-3	Heidi Wolf-Reid	Ms. Wolf-Reid expressed concern about calling traffic impacts unavoidable. Does this mean that transit systems keyed to the impact have not been considered? The City should consider light rail, shuttle buses, personal rapid transit.
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Response: The proposed Specific Plan has been developed in consideration of transit opportunities that are available in the Midtown area. All feasible modes of transportation have been incorporated into the proposed project, and the analysis of traffic impacts. The Specific Plan has been designed to encourage the use of alternative transportation modes including transit, bicycling, and walking. As noted in the traffic section of the Draft EIR, the traffic analysis includes reductions to trip generations that have been applied to account for the availability of transit services, use of the EcoPass, and the integration of complementary land uses within the same geographic area. The proposed mix of uses and the policies proposed in the Specific Plan would encourage the use of alternative travel modes, most notably bicycling and walking, and would reduce the number of vehicle trips. The total reduction for each land use ranges from 15 to 18 percent, and is consistent with the reductions permitted under the Valley Transportation Authority's guidelines. Given the number of potential transit (light rail, bus, and BART) and bicycle/pedestrian opportunities, it is possible that the assumed trip reduction is conservative and that projected impacts might not be as severe as anticipated. In addition, some of the existing through traffic in the Midtown area that diverts from I-880 is expected to shift back to the freeway upon completion of the planned widening projects.

However, even in consideration of these reductions, additional development in the Midtown area would result in new vehicle trips. Several intersections in the area studied by the traffic analysis are projected to operate at deficient operating conditions without implementation of the Specific Plan. Any addition of project-related traffic to these intersections must be considered a significant impact, because the development envisioned under the Specific Plan would contribute to a deficient operation condition. Thus, although transit is being encouraged and it is a component of the project these measures do not avoid significant traffic impacts altogether. Because right-of-way restrictions, existing development patterns, and regulatory authority make physical mitigation to address these deficiencies infeasible, several of these significant impacts are considered unavoidable.

N-4	Wanda Olinger	Mrs. Olinger expressed that the Plan is a positive move to bring more housing next to businesses. How will the Plan fast track developments in this area?
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Response: The Specific Plan and the associated EIR provides development guidelines and environmental review for projects in the planning area, which will facilitate approval and implementation. The City of Milpitas is committed to processing planning applications in the Midtown area in an efficient manner.

N-5	Bob Olinger	Mr. Olinger owns properties on Main Street and is a major broker in town; requested information on how quickly properties can be developed (looking for projected date of Plan completion).
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Response: The proposed Specific Plan will require adoption by the Milpitas City Council. Prior to the adoption by the City Council, the Plan will be presented to the Planning Commission for a recommendation to the City Council. Final approval of the Midtown Specific Plan is anticipated in the early Spring of 2002.

N-6	Bob Olinger	Is the storm drain under South Main Street going to be useable? It was put in 1976.
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Response: Based on an analysis conducted by Ruggeri, Jensen, Azar & Associates, the storm drain under South Main Street will not need to be replaced with implementation of the Midtown Specific Plan.

N-7	Arzhang Kalbali	Does the No Project Alternative mean doing nothing?
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Response: The No Project Alternative does not mean development would not occur in the Midtown area. It does, however, mean that the General Plan adopted in 1994 (last amended June 17, 1998) would guide development and the existing regulations would remain in effect. Thus, the projection of potential environmental impacts associated with the No Project Alternative assumes development would occur in the future consistent with the existing General Plan land use and zoning regulations.

N-8	Arzhang Kalbali	Mr. Kalbali expressed a preference for high density residential or any solution that would reduce traffic impacts further.
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Response: This comment is noted.

N-9	Ray Maglalang	How will low cost housing be provided in the plan?
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Response: The City's current Housing Element provides Goal 1 and Policies 1, 3, 4 and 5, which ensure that affordable housing is provided in the City. The City is currently updating this Housing Element. The updated Element will continue to ensure affordable housing opportunities are provided in the City. In addition, Policy 3.5 of the Specific Plan requires that housing for all income levels be provided throughout the Plan area and Policy 3.6 states that affordable housing units should be provided in new housing development. The City will determine affordable unit requirements on a project by project basis, considering the size of the project, the location of the site, and the mix of affordable units in the planning area. The City has typically achieved at least 20 percent affordable

housing in recent developments and this will continue to be a goal for new housing projects within the Midtown area. As directed by Policy 7.8, the City will use available housing set-aside funds to assist in the provision of affordable rental and ownership housing within market rate projects when necessary.

N-10	Ann Zeiss	Ms. Zeiss has recently become aware that the developments may be built over graveyards. What is the consideration for this?
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Response: No known graveyards exist in the Midtown planning area. However, it is impossible to be sure about the presence or absence of human remains until site excavation and grading occurs. The Draft EIR includes a mitigation measure to address the potential discovery human remains that are not currently known to exist in the planning area (Mitigation Measure Cult-4). In the event that human remains are encountered, City planning staff will be contacted and excavation or disturbance activities at the site or at any nearby area reasonably suspected to overlie adjacent human remains will be halted. This requirement shall be specified in all building and grading permits. The Santa Clara County coroner will be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery. If the County coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. The most likely descendent may make recommendations to the landowner for the person responsible for the excavation work, for means of treating or disposing of, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

N-11	David Richerson	For the traffic impacts that are significant and unavoidable, consider other mitigation measures such as requiring high-density residential development to include electric charging stations, or the conduits to allow for such stations. The use of electric cars would reduce traffic and parking impacts because many electric cars are much smaller.
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Response: The inclusion of electric vehicle charging stations as part of high-density residential developments will be evaluated on a project-by-project basis as part of the overall Transportation Demand Management program for each use. The commentor's statement regarding traffic and parking impact reductions is noted. If the City were to require these additional measures, it would not reduce projected traffic impacts to a less-than-significant level. As noted in the response to Comment N-1, several intersections in the area studied by the traffic analysis are projected to operate at deficient operating conditions without implementation of the Specific Plan. Thus, any addition of project-related traffic to these intersections must be considered a significant impact.

N-12	Heidi Wolf-Reid	If there were a significant increase in residential units, would you have to go back to redo the environmental impact report?
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Response: The EIR includes the assumption that 4,860 additional housing units would be introduced in the planning area over a 20-year period. If there is a significant increase in residential units proposed for development in the Midtown area beyond this development assumption, additional environmental review would be required pursuant to Section 15162 of the CEQA Guidelines.

N-13	Arzhang Kalbali	Does the Plan specify whether development would be occurring on existing open spaces (vacant lots) or are commercial areas being redeveloped?
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Response: Development in the Midtown area could occur both on vacant lots and within existing commercial areas. As noted in Policy 3.15 of the Specific Plan legally established service businesses would be able to remain in the Midtown area as legal conforming uses.

N-14	Arzhang Kalbali	Has there been an analysis that defines the set goal or number of houses or residents are enough before we lose our quality of life?
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Response: No such analysis has been conducted. This type of analysis would be extremely difficult to conduct because different individuals have very different views on what constitutes a good "quality of life." However, the Specific Plan has been developed to respond to housing needs in the region. The provision of housing in the Specific Plan area could be considered as a benefit to residents quality of life because, in comparison to housing provided further from employment centers, the housing proposed by the Midtown Specific Plan could reduce residents commute times. Reductions in commute times and the length of automobile trips can also benefit the region environmentally when compared to traditional suburban development.

N-15	Robert Blake	What happens to the current residents or businesses that may be displaced because there's not that much vacant land to develop? Existing businesses or residents may be displaced as a result of development.
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Response: No housing or businesses would be directly displaced by the proposed Specific Plan. However, the changes in land use regulations resulting from the Midtown Specific Plan could accelerate new development in the planning area by private property owners. As a result, these changes in the Midtown planning area would result from natural market forces and public and private development incentives and could affect existing uses. The City will not be directly displacing existing businesses or residents.

N-16	Ray Maglalang	Are you planning on protecting existing historic homes, or can they be torn down?
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Response: The Specific Plan and the Draft EIR provide for the protection of historic resources. Specifically, Mitigation Measure Cult-1 provides for the protection of historic resources consistent with City of Milpitas standards of review and State Guidelines. Please refer to page 3.8-8 of the Draft EIR for further detail on this measure.

N-17	Christine Davison	Ms. Davison indicated that she has an interest on a couple of parcels on Main Street, where the town square is shown in the Plan. If the Plan is adopted, does this mean that the town square is imminent on this property? Ms. Davison stated that businesses might be displaced when the town square is developed.
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Response: The location of the town square is conceptual. The City is not proposing the acquisition of specific property or the development of a town square at this time. The development of the town square would likely occur in conjunction with another development project, or when the City of Milpitas has secured funding to acquire a property to serve this purpose. At that time, business displacement may occur if the property is occupied. If the business has a lease for the property, a buy-out of the lease may occur, or a similar resolution that is agreeable to all parties. If the business is displaced or moves, it may be able to find a new location in the Midtown area.

N-18	John Jay	Mr. Jay expressed that the Plan will be a detriment to his business and that he may need to relocate. Jay further commented that there is a certain percentage of this Plan area that will need to be set aside as park land as lands develop. The concern is that if the City doesn't require parkland of developments as they come in, then it would end up with the need for the last developable sites to be set aside for parks.
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Response: As residential development is proposed in the Midtown area, new parkland will be provided. Parkland would be either provided integrated into the project (on-site), or as trail improvements, as denoted in the Specific Plan. Policy 3.24 of the Specific Plan would require new residential development to provide public parks at a ratio of 3.5 acres per 1,000 people, of which up to 1.5 acres per 1,000 people could be developed as private or common open space. In addition, as specified in Policy 7.19 of the Specific Plan, a separate account would be established for park in-lieu fees collected from development in Midtown in order to ensure that the fees go toward improving and maintaining parks and open space in the planning area.

N-19	Bob Olinger	Have you taken consideration of the Hetch-Hetchy as potential parkland; also consider PG&E lands.
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Response: The City has considered the potential for development of trails along the Hetch-Hetchy right-of-way. This assumption is included in the proposed Specific Plan. The San Francisco Public Utilities Commission has provided specific comments related to this issue, which are provided in Comment Letter H. The City will continue to look for parkland development opportunities that could occur in partnership with utilities that operate within the planning area.

APPENDIX A.
SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT
RMP EXECUTIVE SUMMARY

Executive Summary

Introduction

Chemicals are widely used in industry, in the home, and in the environment. They are transported on roads, water, and railways. The San Jose/Santa Clara Water Pollution Control Plant (WPC) uses chemicals, too. We use chlorine and sulfur dioxide to disinfect treated wastewater to provide safe water for discharge to the environment and for reclaimed water uses such as landscaping and irrigation. We also use ammonia in combination with chlorine to create chloramines, which is a more stable disinfectant. Storing large quantities of these chemicals can be a hazard. We take our safety obligations in storing and using hazardous chemicals as seriously as we take providing reliable wastewater treatment. The following document describes what could happen if there were to be an accidental chemical release, the steps we take every day to ensure a safely operated plant, and how we respond to an emergency. To date, we have had an excellent record in preventing accidental releases. Please feel free to contact Ronald L. Garner at (408) 945-5300 if you have any questions.

Accidental Release Prevention and Response Policies

It is the policy of the City of San Jose and the WPC to develop, maintain, and implement this RMP/PSM Plan. This RMP/PSM plan complies with the U.S. Environmental Protection Agency's (EPA's) Risk Management Program (RMP), under Section 112 (r) of the Clean Air Act (CAA) Amendments of 1990, 40 *Code of Federal Regulations* (CFR) Part 68, the California Accidental Release Prevention (CalARP) Program under California Code of Regulations (CCR) Title 19, Division 2, Chapter 4.5, and the Process Safety Management Program under CCR Title 8, Division 1, Chapter 4, Section 5189.

General Facility and Regulated Substances Information

The WPC is located in north San Jose near the southern tip of the San Francisco Bay. It treats wastewater from the cities of San Jose, Santa Clara, Milpitas, Monte Sereno, Saratoga, Cupertino, Los Gatos, and a number of county sanitation districts. The plant has a capacity of 167 million gallons per day. Plant processes include pretreatment to remove large solids and grit, primary treatment to remove settleable solids, biological treatment to remove dissolved organic waste and to convert ammonia to nitrates, filtration to remove suspended solids, and disinfection to kill and inactivate disease-causing organisms.

The facility currently stores chlorine, sulfur dioxide, digester gas, and 29 percent aqueous ammonia; all regulated toxic substances under RMP and CalARP. Chlorine and sulfur dioxide are stored in 90-ton rail cars and exceed the RMP and CalARP rule threshold quantities. Aqueous ammonia at a concentration of 29 percent by weight is stored in two 8,000-gallon double-walled tanks located in a bermed containment area. The amount of

ammonia stored exceeds the RMP and CalARP rule threshold. Digester gas is stored in digester domes, a gas holding tank, and process piping. Calculations maintained at the WPC demonstrate that the amount of gas stored does not exceed the RMP and CalARP rule threshold.

Chlorine and sulfur dioxide are both used in the disinfection process but are stored, transported, and applied in physically separate but similar systems. Chlorine and sulfur dioxide are brought to the site in railcars, which are also used as storage. Up to four chlorine railcars and three sulfur dioxide railcars can be onsite at any one time. The railcars are hooked up to the separate chlorine and sulfur dioxide delivery systems by flexible connectors. Chlorine and sulfur dioxide are conveyed in piping as liquids to buildings housing evaporators that convert the liquid chemicals to gases under controlled conditions. Gas is drawn from the evaporators through flow control devices called chlorinators or sulfonators, which regulate the amount of gas that is dissolved into the wastewater. Chlorine is added to the wastewater to kill disease-causing organisms and is also used to control odors. Sulfur dioxide is used to remove any remaining chlorine after disinfection is completed to protect flora and fauna in the receiving water.

The chlorine and sulfur dioxide systems have a number of safety systems and are in full compliance with Santa Clara County's stringent Toxic Gas Ordinance (TGO). Safety provisions include:

- Secondary containment of flexible hose, valve tree cabinet, and outdoor piping with containment space vented to a scrubber system.
- Indoor piping is contained by the buildings themselves. Doors automatically close upon detection of a leak and the room space is vented to the scrubber system.
- Sulfur dioxide and chlorine leak detectors are provided to detect leaks within the railcar dome, flexible hose secondary containment, valve tree cabinets, outdoor piping secondary containment, at the base of the railcars, and inside the rooms where chlorine or sulfur dioxide is processed. The leak detectors are connected to a PLC system that automatically starts the scrubber system and activates audible and visual alarms. Automated dampers are used to direct air flow to the scrubber from the appropriate containment area.
- Automatic shutoff valves are provided immediately downstream of the railcar connection and at the entry to each processing room. These valves are activated upon detection of leaks or through manual initiation.
- Manual pushbutton switches are provided at several locations to close the automatic shutoff valves and activate the scrubber system.
- The entire area is enclosed by a fence with controlled access into the area.
- System alarms are monitored at the computer control center, and the disinfection area itself is staffed with operators 24 hours per day. In addition, the railcar area is video monitored by the computer control room.
- An emergency generator is provided for backup power to the leak detection, alarm, and scrubber system in the event of a power failure.

- The railcars include internal excess flow valves that are designed to close in the event of a catastrophic failure of the flexible hose or piping.
- A seismic detection switch is provided that is designed to automatically close the automatic shutoff valves in the event of a major earthquake.

Ammonia at a strength of 29 percent by weight, is brought to the facility in tanker trucks. The ammonia is stored in two double-walled, storage tanks. A concrete berm around the tanks provides triple containment of the ammonia. Ammonia is metered into the wastewater to later combine with chlorine to create chloramines, a more stable and efficient disinfection agent than free chlorine.

Offsite Consequence Analysis Results

The WPC has had an excellent safety record. However, we have evaluated scenarios that would result in offsite consequences as a way to communicate process risks to the public, to communicate response issues to the City of San Jose emergency response organization, and as a tool in evaluating plant safety systems.

The offsite consequence analysis for chlorine and sulfur dioxide included a worst case release scenario as defined by the RMP and CalARP regulations, and an alternative release scenario that, although unlikely to occur, is less unrealistic than the worst-case scenario. The worst-case scenario assumes rupture of a railcar of chlorine or sulfur dioxide, and complete release of the railcar contents in 10 minutes. This scenario would only result from a catastrophic occurrence such as an airplane crash. The modeling results for this scenario show that chlorine gas could travel up to 5.5 miles from the plant before its concentration would become diluted to a level that no longer would be considered hazardous to the public. Similarly, sulfur dioxide could travel up to 5.7 miles from the plant before its concentration would become diluted to a level that no longer would be considered hazardous to the public.

Based on knowledge of the plant safety systems, an alternative release scenario was proposed consisting of a 1/16-inch leak in the 12-inch long steel pipe nipple (pigtail) that connects to the railcar angle valve. This is the only part of the chlorine and sulfur dioxide systems that is not double contained, monitored for leaks, and vented to an emergency scrubber system. Leaks of the chlorine and sulfur dioxide systems as described here could travel up to 0.2 miles before becoming diluted to a concentration that no longer would be considered hazardous to the public. WPC policy requires replacing the pigtail every six months.

A worst case release analysis was also performed for the 29 percent aqueous ammonia system. Because the aqueous ammonia is stored in a double-walled tank, rupture of the inner tank and release to the outer tank in 10 minutes would not result in an offsite release. Even if the outer tank were to rupture and the material were released to the bermed containment area, the EPA guidance predicts that ammonia at a concentration above a level harmful to the public would not travel offsite. The RMP and CalARP regulations do not require an alternative release scenario for the WPC ammonia system, because ammonia does not travel offsite in the worst case release scenario.

Five-Year Accident History

There have been no releases of chlorine, sulfur dioxide, or ammonia in the last five years that have resulted in deaths, injuries, or significant property damage onsite or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage. In the 27 years that these chemicals have been used onsite, the WPC has had no accidental release that has required offsite response. In the interest of full disclosure, however, three employees received first aid following minor exposure while working on the chlorine system.

Summary of the Accidental Release Prevention Program and Chemical-Specific Prevention Steps

The WPC chlorine and sulfur dioxide systems are required to have a stringent release prevention and emergency response program by both the Process Safety Management (PSM) Program regulations and the RMP/CalARP regulations because of the quantities stored and potential for offsite impacts. The WPC RMP/PSM Plan described herein addresses the chlorine and sulfur dioxide processes.

Aqueous ammonia storage is not regulated under PSM. Because there have been no accidents in the last five years and because it does not have the potential for an offsite impact, the aqueous ammonia process is not required to have formal accidental release prevention and emergency response programs. However, ammonia is a hazardous material and its safe storage and use is governed by other regulations. WPC maintains appropriate measures and safeguards on handling and storage of aqueous ammonia to protect its employees and the public.

Our RMP/PSM Plan is based on the following key elements:

- Detailed management system and clear levels of responsibilities and team member roles.
- Comprehensive safety process information that is readily available to staff, emergency responders, and contractors.
- Comprehensive preventive maintenance program.
- A completed process hazard analysis of equipment and procedures with operation and maintenance staff participation and review.
- Use of state-of-the-art process and safety equipment.
- Use of accurate and effective operating procedures, written with operations and maintenance staff participation.
- High level of training of operators and maintenance staff.
- Implementation of an incident investigation, inspection, and auditing program using qualified staff.

Process and Chemical Safety Information

Comprehensive chemical data have been assembled to include regulatory reporting and action thresholds, health hazards, and chemical exposure limitations, as well as detailed physical properties of each regulated substance. This information was compiled from numerous sources and includes chlorine and sulfur dioxide background information, MSDS sheets, and chlorine and sulfur dioxide reaction chemistry.

Equipment safety information has been compiled on the chlorine and sulfur dioxide processes, including maximum intended inventory, safe upper and lower temperatures, safe upper and lower pressures, and codes and standards used to design, build, and operate the processes.

We also have procedures in place to update safety information if there is a major change that makes existing information inaccurate.

Process Hazard Analysis

In 1993, a detailed process hazard analysis (PHA) was conducted with plant staff, engineering, and administrative staff for the chlorine and sulfur dioxide processes. The team consisted of process operating and maintenance experts and process design engineers. The PHA technique used was the "Hazard and Operability" (HAZOP) study, per acceptable approach guidance from EPA. The PHA was led by a knowledgeable person on the type of process being reviewed. The process hazard analysis was revalidated on April 12, 1999 and will be updated again within a five-year period or whenever there is major change in the process. A list of actions to resolve significant hazard review findings was prepared and staff is currently working to resolve this action item list. Staff will document completion of each action item.

A seismic walkthrough was recently completed based on the 1997 UBC, and recommendations were reviewed by the WPC.

Operating Procedures

The WPC maintains up-to-date, accurate, written operating procedures that give clear instructions for the chlorine and sulfur dioxide processes. Operating procedures are incorporated into operation and maintenance training programs. Step-by-step operating procedures have been developed for the chlorine and sulfur dioxide systems. Procedures include startup, shutdown, and normal, alternate, and emergency operation. The WPC updates procedures whenever a change occurs that alters the steps needed to operate safely. Operating procedures will be developed and put in place prior to any new process equipment coming on line or a changed process starting back up.

Operations and Maintenance Training Program

Each WPC employee presently involved in operating or maintaining the chlorine and sulfur dioxide processes is trained in an overview of the process and detailed, applicable operating and maintenance procedures. The WPC training program helps employees understand the nature and cause of problems arising from operations involving chlorine and sulfur dioxide

on site, and to increase employees' awareness with respect to process hazards. The WPC training program includes both initial and refresher training that covers (1) a general overview of the processes, (2) the properties and hazards of chlorine and sulfur dioxide, and (3) a detailed review of process operating procedures and safe work practices. Demonstrations and field observations are used to verify that employees understand the training material.

Training documentation includes: date of most recent review or revision to the training program, type of training required, and the type of competency testing used to ensure that staff understand the training.

Contractors

The WPC has procedures and policies in place that ensure that only contractors with good safety programs are selected to perform work on and around the chlorine and sulfur dioxide processes. Contractors are informed of process hazards, process area access limitations, and emergency response procedures so that they may safely complete their work. The WPC sets minimum contractor safety performance requirements to do work on the chlorine and sulfur dioxide process area and equipment, holds contractor safety briefings before allowing contractors near or in the process area, controls access to process areas, and evaluates contractor performance.

Pre-Startup Safety Review and Mechanical Integrity Program

The WPC ensures that a pre-startup safety review is completed for any new covered-by-the-rules process at the plant, or for significant modifications to an existing covered process that requires a change in the process safety information.

The WPC maintains the mechanical integrity of process equipment to help prevent equipment failures that could endanger workers, the public, or the environment. We believe that this program is the primary line of defense against a release and addresses equipment testing and inspection, preventative maintenance schedules, and personnel training. The WPC mechanical integrity program includes the following:

- Written procedures for maintaining mechanical integrity through inspection and testing of process equipment, based on instructions of equipment vendors, industry codes, and prior operating experience.
- Implementation of the written procedures in performing inspections and tests on process equipment at specified intervals.
- Training of maintenance personnel in procedures for safe work practices such as lockout/tagout, line or equipment opening, and avoidance and correction of unsafe conditions.
- Procedures specifying training requirements for contract maintenance employees, as well as requiring contractors to use plant developed maintenance procedures for process areas.

Hot Work Permits and Management of Change

The WPC requires employees and contractors to employ safe work practices when performing "hot work" in, on, or around the covered processes.

The WPC provides a system and approach to maintain and implement any management of changes or modifications to equipment, procedures, chemicals, and processing conditions. This system allows employees to identify and review safety hazards, provide additional safety, process, or chemical information to existing data, evaluate the proposed change to confirm that it would not compromise system safety, and establish training requirements before implementation.

Internal Compliance Audits

Internal compliance audits are conducted at least every 3 years to verify compliance with RMP/PSM program data, systems, and procedures. The WPC assembles an audit team that includes personnel knowledgeable about the RMP/PSM Plan and about the process. This team evaluates whether the RMP/PSM Plan and its implementation satisfies the requirements of the RMP/CalARP and PSM requirements and whether the RMP/PSM Plan is sufficient to help ensure safe operation of the chlorine and sulfur dioxide processes. The results of the audit are documented, recommendations are resolved, and appropriate enhancements to the RMP/PSM Plan are implemented.

Incident Investigation

The WPC investigates all incidents that caused or could reasonably have resulted in a serious injury to personnel, the public, or the environment so that similar accidents can be prevented. The WPC trains employees to identify and report any incident that requires investigation. An investigation team is assembled and the investigation is initiated within 48 hours of the incident. The results of the investigation are documented, recommendations are resolved, and appropriate process enhancements are implemented. Incident investigation report findings are reviewed by affected staff, added or used to revise operating and maintenance procedures, and passed on to Training Resources for their inclusion in existing training programs, if warranted, to prevent a future event.

Emergency Response Program Summary

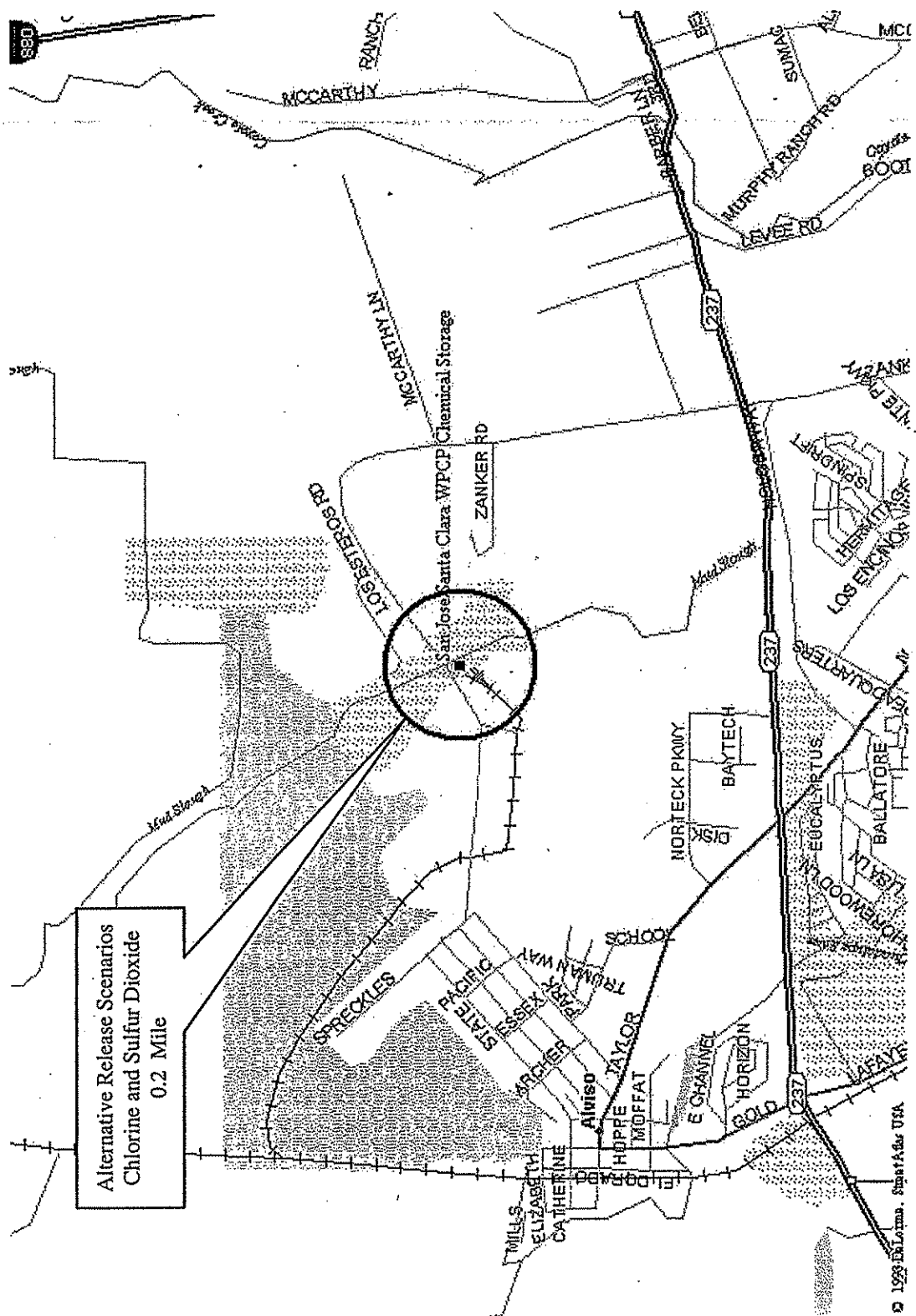
The WPC has established a written emergency response program that is followed by the employees to help safely respond to accidental releases of hazardous substances. This program has been coordinated with the City of San Jose Fire Department, which is the local emergency response agency. The program includes an Emergency Response and Evacuation Plan specific to the chlorine and sulfur dioxide processes. Chlorine area operators are trained as first responders. Emergency response drills and drill evaluations are conducted every 12 months. Emergency operation and response procedures are also reviewed at that time.

Planned Changes to Improve Safety

Several recommendations to improve safety (recommended actions) were previously identified for the chlorine and sulfur dioxide processes in the 1993 Process Hazard Analyses performed pursuant to the State of California Risk Management and Prevention Program (RMPP). These recommended actions have been evaluated and implemented as appropriate. Several additional safety improvements were identified in the April 12, 1999 Process Hazard Analysis Revalidation. These included:

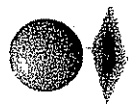
- Modifications and training to prevent chlorine release from the cabinet crossover pipe
- Covering the railcars to prevent introduction of moisture into the process
- Rebuilding a pressure regulating valve in the CSD building to reconnect a permanent vent line
- Implementing measures to protect vacuum piping
- Routing CTPS leak detector tubing to exhaust ducting and restricting access to CTPS and CSD buildings
- Investigating and improving check valves
- Implementing violence management training
- Evaluating the potential for a mixture of chlorine and sulfur dioxide to occur in the FRP scrubber ducts that would cause duct failure

A schedule has been established for evaluating these items with completion dates ranging from June 21, 1999 to December 31, 1999. An implementation schedule will then be developed based on the results of the evaluations.



Offsite Hazard Assessment Alternative Release Scenarios

San Jose/Santa Clara WPCP



CH2MHILL



San Jose/Santa Clara WPCP